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Old South Leaflet



The Birth of the Nation.

OLD SOUTH MEETING HOUSE, BOSTON.

1887.





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OLD SOUTH LEAFLETS.

FIFTH SERIES,

1887.

PRINTED BY THE
SOUTH MEETING HOUSE

FOR THE
SOUTH MEETING HOUSE

BOSTON:
OLD SOUTH MEETING HOUSE.

1887.

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INTRODUCTION.

THE OLD SOUTH LEAFLETS are prepared primarily for circulation among the attendants upon the Old South Lectures for Young People. The subjects of the Leaflets are immediately related to the subjects of the lectures, and they are intended to supplement the lectures and stimulate historical interest and inquiry among the young people. They are made up, for the most part, from original papers of the periods treated in the lectures, in the hope to make the men and the public life of the periods more clear and real.

The Old South Lectures for Young People were instituted in the summer of 1883, as a means of promoting a more serious and intelligent attention to historical studies, especially studies in American history, among the young people of Boston. The success of the lectures has been so great as to warrant the hope that such courses may be permanently sustained in Boston and established with equal success in other cities of the country.

The Old South Lectures for 1883, intended to be strictly upon subjects in early Massachusetts History, but by certain necessities somewhat modified, were as follows: "Governor Bradford and Governor Winthrop," by EDWIN D. MEAD. "Plymouth," by MRS. A. M. DIAZ. "Concord," by FRANK B. SANBORN. "The Town-Meeting," by PROF. JAMES K. HOSMER. "Franklin, the Boston Boy," by GEORGE M. TOWLE. "How to Study American History," by PROF. G. STANLEY HALL. "The Year 1777," by JOHN FISKE. "History in the Boston Streets," by EDWARD EVERETT HALE. The Leaflets prepared in connection with these lectures consisted of (1) Cotton Mather's account of Governor Bradford, from the "Magnalia;" (2) the account of the arrival of the Pilgrims at Cape Cod, from Bradford's Journal; (3) an extract from Emerson's Concord Address in 1835; (4) extracts from Emerson, Samuel Adams, De Tocqueville and others, upon the Town-Meeting; (5) a portion of Franklin's Autobiography; (6) Carlyle on the Study of History; (7) an extract from Charles Sumner's oration upon Lafayette, etc.; (8) Emerson's poem, "Boston."

The lectures for 1884 were devoted to men representative of certain epochs or ideas in the history of Boston, as follows: "Sir Harry Vane, in New England and in Old England," by EDWARD EVERETT HALE, JR. "John Harvard, and the Founding of Harvard College," by EDWARD CHANNING, PH.D. "The Mather Family, and the Old Boston Ministers," by REV. SAMUEL J. BARROWS. "Simon Bradstreet, and the Struggle for

the Charter," by PROF. MARSHALL S. SNOW. "Samuel Adams, and the Beginning of the Revolution," by PROF. JAMES K. HOSMER. "Josiah Quincy, the Great Mayor," by CHARLES W. SLACK. "Daniel Webster, the Defender of the Constitution," by CHARLES C. COFFIN. "John A. Andrew, the Great War Governor," by COL. T. W. HIGGINSON. The Leaflets prepared in connection with the second course were as follows: (1) Selections from Forster's essay on Vane, etc.; (2) an extract from Cotton Mather's "Sal Gentium;" (3) Increase Mather's "Narrative of the Miseries of New England;" (4) an original account of "The Revolution in New England" in 1689; (5) a letter from Samuel Adams to John Adams, on Republican Government; (6) extracts from Josiah Quincy's Boston Address of 1830; (7) Words of Webster; (8) a portion of Governor Andrew's Address to the Massachusetts Legislature in January, 1861.

The lectures for 1885 were upon "The War for the Union," as follows: "Slavery," by WILLIAM LLOYD GARRISON, JR. "The Fall of Sumter," by COL. T. W. HIGGINSON. "The Monitor and the Merrimac," by CHARLES C. COFFIN. "The Battle of Gettysburg," by COL. THEODORE A. DODGE. "Sherman's March to the Sea," by GEN. WILLIAM COGSWELL. "The Sanitary Commission," by MRS. MARY A. LIVERMORE. "Abraham Lincoln," by HON. JOHN D. LONG. "General Grant," by CHARLES C. COFFIN. The Leaflets accompanying these lectures were as follows: (1) Lowell's "Present Crisis," and Garrison's Salutory in the *Liberator* of January 1, 1831; (2) extract from Henry Ward Beecher's oration at Fort Sumter in 1865; (3) contemporary newspaper accounts of the engagement between the Monitor and the Merrimac; (4) extract from Edward Everett's address at the consecration of the National Cemetery at Gettysburg, with President Lincoln's address; (5) extract from General Sherman's account of the March to the Sea, in his *Memoirs*; (6) Lowell's "Commemoration Ode;" (7) extract from Lincoln's First Inaugural Address, the Emancipation Proclamation, and the Second Inaugural Address; (8) account of the service in memory of General Grant, in Westminster Abbey, with Archdeacon Farrar's address.

The lectures for 1886 were upon "The War for Independence," as follows: "Samuel Adams and Patrick Henry," by EDWIN D. MEAD. "Bunker Hill, and the News in England," by JOHN FISKE. "The Declaration of Independence," by JAMES MACALISTER. "The Times that Tried Men's Souls," by ALBERT B. HART, PH.D. "Lafayette, and Help from France," by PROF. MARSHALL S. SNOW. "The Women of the Revolution," by MRS. MARY A. LIVERMORE. "Washington and his Generals," by GEORGE M. TOWLE. "The Lessons of the Revolution for these Times," by REV. BROOKE HERFORD. The Leaflets were as follows: (1) Words of Patrick Henry; (2) Lord Chatham's Speech, urging the removal of the British troops from Boston; (3) extract from Webster's oration on Adams and Jefferson; (4) Thomas Paine's "Crisis," No. 1; (5) extract from Edward Everett's eulogy on Lafayette; (6) selections from the Letters

of Abigail Adams ; (7) Lowell's "Under the Old Elm ;" (8) extract from Whipple's essay on "Washington and the Principles of the Revolution."

The course for the summer of 1887 was upon "The Birth of the Nation," as follows : "How the Men of the English Commonwealth Planned Constitutions," by PROF. JAMES K. HOSMER. "How the American Colonies Grew Together," by JOHN FISKE. "The Confusion after the Revolution," by DAVIS R. DEWEY, PH.D. "The Convention and the Constitution," by HON. JOHN D. LONG. "James Madison and his Journal," by PROF. E. B. ANDREWS. "How Patrick Henry Opposed the Constitution," by HENRY L. SOUTHWICK. "Alexander Hamilton and the *Federalist*," "Washington's Part and the Nation's First Years," by EDWARD EVERETT HALE. The Leaflets prepared for these lectures were as follows : (1) Extract from Edward Everett Hale's lecture on "Puritan Politics in England and New England ;" (2) "The English Colonies in America," extract from De Tocqueville's "Democracy in America ;" (3) Washington's Circular Letter to the Governors of the States, on Disbanding the Army ; (4) The Constitution of the United States ; (5) "The Last Day of the Constitutional Convention," from Madison's Journal ; (6) Patrick Henry's First Speech against the Constitution, in the Virginia Convention ; (7) The *Federalist*, No. IX ; (8) Washington's First Inaugural Address.

The course for the summer of 1888 had the general title of "The Story of the Centuries," the several lectures being as follows : "The Great Schools after the Dark Ages," by EPHRAIM EMERTON, Professor of History in Harvard University. "Richard the Lion-Hearted and the Crusades," by MISS NINA MOORE, author of "Pilgrims and Puritans." "The World which Dante knew," by SHATTUCK O. HARTWELL, Old South first-prize essayist, 1883. "The Morning-Star of the Reformation," by REV. PHILIP S. MOXOM. "Copernicus and Columbus, or the New Heaven and the New Earth," by PROF. EDWARD S. MORSE. "The People for whom Shakespeare wrote," by CHARLES DUDLEY WARNER. "The Puritans and the English Revolution," by CHARLES H. LEVERMORE, Professor of History in the Massachusetts Institute of Technology. "Lafayette and the Two Revolutions which he saw," by GEORGE MAKEPEACE TOWLE.

The Old South Lectures are devoted primarily to American history. But this object is liberally construed, and a constant aim is to impress upon the young people the relations of our own history to English and general European history, and our indebtedness to the long past. It was hoped that the glance at some striking chapters in the history of the last eight centuries afforded by these lectures would be a good preparation for the great anniversaries of 1889 and give the young people a truer feeling of the continuity of history. In connection with the lectures, the young people were requested to fix in mind the following dates, observing that in most instances the date comes about a decade before the close of the century. An effort was made in the Leaflets for the year to make dates, which are so often dull and useless to young people, interesting, significant, and useful.—11th Century: Lan-

franc, the great mediæval scholar, who studied law at Bologna, was prior of the monastery of Bec, the most famous school in France in the 11th century, and archbishop of Canterbury under William the Conqueror, died, 1089. 12th Cent.: Richard I crowned, 1189. 13th Cent.: Dante at the battle of Campaldino, the final overthrow of the Ghibellines in Italy, 1289. 14th Cent.: Wyclif died, 1384. 15th Cent.: America discovered, 1492. 16th Cent.: Spanish Armada, 1588. 17th Cent.: William of Orange lands in England, 1688. 18th Cent.: Washington inaugurated, and the Bastille fell, 1789. The Old South Leaflets for 1888, corresponding with the several lectures, were as follows: (1) "The Early History of Oxford," from Green's *History of the English People*; (2) "Richard Cœur de Lion and the Third Crusade," from the *Chronicle* of Geoffrey de Vinsauf; (3) "The Universal Empire," passages from Dante's *De Monarchia*; (4) "The Sermon on the Mount," Wyclif's translation; (5) "Copernicus and the Ancient Astronomers," from Humboldt's *Cosmos*; (6) "The Defeat of the Spanish Armada," from Camden's *Annals*; (7) "The Bill of Rights," 1689; (8) "The Eve of the French Revolution," from Carlyle. The selections are accompanied by very full historical and bibliographical notes, and it is hoped that the series will prove of much service to students and teachers engaged in the general survey of modern history.

The year 1889 being the centennial both of the beginning of our own Federal Government and of the French Revolution, the lectures for the year, under the general title of "America and France," were devoted entirely to subjects in which the history of America is related to that of France, as follows: "Champlain, the Founder of Quebec," by CHARLES C. COFFIN. "La Salle and the French in the Great West," by REV. W. E. GRIFFIS. "The Jesuit Missionaries in America," by PROF. JAMES K. HOSMER. "Wolfe and Montcalm: the Struggle of England and France for the Continent," by JOHN FISKE. "Franklin in France," by GEORGE M. TOWLE. "The Friendship of Washington and Lafayette," by MRS. ABBA GOOLD WOOLSON. "Thomas Jefferson and the Louisiana Purchase," by ROBERT MORSS LOVETT, Old South prize essayist, 1888. "The Year 1789," by REV. EDWARD EVERETT HALE. The Leaflets for the year were as follows: (1) Verrazzano's Account of his Voyage to America; (2) Marquette's Account of his Discovery of the Mississippi; (3) Mr. Parkman's Histories; (4) The Capture of Quebec, from Parkman's "Conspiracy of Pontiac;" (5) Selections from Franklin's Letters from France; (6) Letters of Washington and Lafayette; (7) The Declaration of Independence; (8) The French Declaration of the Rights of Man, 1789.

The lectures for the summer of 1890 were on "The American Indians," as follows: "The Mound Builders," by PROF. GEORGE H. PERKINS; "The Indians whom our Fathers Found," by GEN. H. B. CARRINGTON; "John Eliot and his Indian Bible," by REV. EDWARD G. PORTER; "King Philip's War," by MISS CAROLINE C. STECKER, Old South prize essayist, 1889; "The Conspiracy of Pontiac," by CHARLES A. EASTMAN, M.D., of the

Sioux nation; "A Century of Dishonor," by HERBERT WELSH; "Among the Zunis," by J. WALTER FEWKES, Ph.D.; "The Indian at School," by GEN. S. C. ARMSTRONG. The Leaflets were as follows: (1) Extract from address by William Henry Harrison on the Mound Builders of the Ohio Valley; (2) Extract from Morton's "New English Canaan" on the Manners and Customs of the Indians; (3) John Eliot's "Brief Narrative of the Progress of the Gospel among the Indians of New England," 1670; (4) Extract from Hubbard's "Narrative of the Troubles with the Indians" (1677) on the Beginning of King Philip's War; (5) The Speech of Pontiac at the Council at the River Ecorces, from Parkman's "Conspiracy of Pontiac;" (6) Extract from Black Hawk's autobiography, on the Cause of the Black Hawk War; (7) Coronado's Letter to Mendoza (1540) on his Explorations in New Mexico; (8) Eleazar Wheelock's Narrative (1762) of the Rise and Progress of the Indian School at Lebanon, Conn.

The lectures for 1891, under the general title of "The New Birth of the World," were devoted to the important movements in the age preceding the discovery of America, the several lectures being as follows: "The Results of the Crusades," by F. E. E. HAMILTON, Old South prize essayist, 1883; "The Revival of Learning," by PROF. ALBERT B. HART; "The Builders of the Cathedrals," by PROF. MARSHALL S. SNOW; "The Changes which Gunpowder made," by FRANK A. HILL; "The Decline of the Barons," by WILLIAM EVERETT; "The Invention of Printing," by REV. EDWARD G. PORTER; "When Michael Angelo was a Boy," by HAMLIN GARLAND; "The Discovery of America," by REV. E. E. HALE. The Leaflets were as follows: (1) "The Capture of Jerusalem by the Crusaders," from the Chronicle of William of Malmesbury; (2) Extract from More's "Utopia;" (3) "The Founding of Westminster Abbey," from Dean Stanley's "Historical Memorials of Westminster Abbey;" (4) "The Siege of Constantinople," from Gibbon's "Decline and Fall of the Roman Empire;" (5) "Simon de Montfort," selections from Chronicles of the time; (6) "Caxton at Westminster," extract from Blades's Life of William Caxton; (7) "The Youth of Michael Angelo," from Vasari's "Lives of the Italian Painters;" (8) "The Discovery of America," from Ferdinand Columbus's life of his father.

The Leaflets for 1883 are now mostly out of print. Those for 1884 and subsequent years, bound in flexible cloth or paper covers, may be procured ~~for thirty-five cents per volume.~~

The Old South Leaflets, which have been published, during the last eight years, in connection with these annual courses of historical lectures at the Old South Meeting House, have attracted so much attention and proved of so much service, that the Directors have entered upon the publication of a *general series* of Leaflets, with the needs of schools, colleges, private clubs and classes especially in mind. The Leaflets are prepared by Mr. Edwin D. Mead. They are largely reproductions of important original papers, accompanied by useful historical and bibliographical notes. They consist, on an

average, of sixteen pages, and are sold at the low price of five cents a copy or three dollars per hundred. The aim is to bring them within easy reach of everybody. Schools and the trade will be supplied by Messrs. D. C. Heath & Co. The Old South work is a work for the education of the people, and especially the education of our young people, in American history and politics, and its promoters believe that few things can contribute better to this end than the wide circulation of such leaflets as those now undertaken. It is hoped that professors in our colleges and teachers everywhere will welcome them for use in their classes, and that they may meet the needs of the societies of young men and women now happily being organized in so many places for historical and political studies. Some idea of the character of this *general series* of Old South Leaflets may be gained from the following list of the subjects of the first twenty-eight numbers, which are now ready:

No. 1. The Constitution of the United States. 2. The Articles of Confederation. 3. The Declaration of Independence. 4. Washington's Farewell Address. 5. Magna Charta. 6. Vane's "Healing Question." 7. Charter of Massachusetts Bay, 1629. 8. Fundamental Orders of Connecticut, 1638. 9. Franklin's Plan of Union, 1754. 10. Washington's Inaugurals. 11. Lincoln's Inaugurals and Emancipation Proclamation. 12. The Federalist, Nos. 1 and 2. 13. The Ordinance of 1787. 14. The Constitution of Ohio.* 15. Washington's Circular Letter to the Governors of the States, 1783. 16. Washington's Letter to Benjamin Harrison, 1784. 17. Verrazzano's Voyage, 1524. 18. The Constitution of Switzerland.* 19. The Bill of Rights, 1689. 20. Coronado's Letter to Mendoza, 1540. 21. Eliot's Brief Narrative of the Progress of the Gospel among the Indians, 1670. 22. Wheelock's Narrative of the Rise of the Indian School at Lebanon, Conn., 1762. 23. The Petition of Rights, 1628. 24. The Grand Remonstrance. 25. The Scottish National Covenants. 26. The Agreement of the People. 27. The Instrument of Government. 28. Cromwell's First Speech to his Parliament.

* Double number, price ten cents.

The Directors of the Old South Studies in History and Politics have also published a Manual of the Constitution of the United States, with bibliographical and historical notes and outlines for study, by Edwin D. Mead. This manual is published for the use of schools and of such clubs, classes and individual students as may wish to make a careful study of the Constitution and its history. Our societies of young men and women entering upon historical and political studies can do nothing better to begin with than to make themselves thoroughly familiar with the Constitution. It is especially with such societies in view that the table of topics for study, which follows the very full bibliographical notes in this manual, has been prepared. A copy of the manual will be sent to any address on receipt of twenty-five cents; one hundred copies, fifteen dollars. Address *Directors of Old South Studies, Old South Meeting House*.

*Old South Meeting House,
Boston, 1891.*

Old South Tractlets.

Puritan Politics in England and New England.

BY EDWARD EVERETT HALE.¹

I think the key to the whole story may be found in the ominous words which King James's first House of Commons addressed to the House of Lords immediately after he had been lecturing them on his own prerogative, and on his intolerance to the Puritans: "There may be a people without a King, but there can be no King without a people." This was comfortable doctrine for a monarch who, in his escape from Scotland, had promised himself the privileges of unrestricted tyranny. Fortunately for civil liberty in England and America, in all countries and in all times, none of the Stuarts ever learned in time what this ominous sentence means—not James I, the most foolish of them: nor Charles I, the most false; nor Charles II, the most worthless; nor James II, the most obstinate. For eighty-six years, however, it was the business of the Puritans of England, counselled and led in large measure by the Puritans of New England, to teach the Stuarts, and to teach the world, that lesson. And they taught it—that the people is stronger than the King, and can tie the King's hands. The state-craft jugglery of the closet shall not undo the knots; the trenchant sword of battle shall not cut the cords. If the King will learn the lesson in no other way, he shall learn it when he sees the headsman's axe flashing before his eyes. The people is stronger than the sovereign; and from the people's power his power comes. That is the lesson. There may be a people without a King; there can be no King without a people.

The first five years of Charles's reign were one steady insult to the best feeling of his people. In those five years Rev. John White, minister of Dorchester, the founder of Massachusetts, was, in his way, encouraging this man, who had heard of New

¹ An extract from his lecture on the subject in the volume of Lowell Lectures on the Early History of Massachusetts.

England, and teaching that to whom the name had never come before. "There was a land of refuge," White was saying to all men. And a larger and larger company of the merchants of London, of the merchants of the other cities, and gradually of the country gentlemen of England, were learning that, if their battle were lost at home, it might be won in a land where there was no bishop and no King. I make no question that White, and those who acted with him, appealed to every motive that was honest, that would swell the number of those who would engage in the colonization movement. I have myself, in my poor way, in later times acted with those who were promoting emigration to the west of the Missouri River, when we thought that on that emigration great principles for all time depended. And I think, therefore, that, unless men are very different now from what they were then, men entered into the great emigration from which we have grown with a large variety of motive. Only I am sure no man came here because he loved King Charles, or because he believed in Laud's Court of High Commission. And I am sure that John White and Matthew Cradock and Isaac Johnson and Richard Saltonstall and our great leader, Winthrop, meant that the enterprise should be controlled by men who would never give in to the tyrannies of Charles or to the pretensions of Laud. It is certain that Hampden and Eliot were interesting themselves in our Massachusetts Colony when it sailed, and were among those who saw how essential was this beginning to the success of their great cause. Under such auspices the government and charter were transferred from England to New England—the boldest change of base in history. In its success, as I believe, the history of constitutional liberty begins. That change was made by men who meant that their new-born State should not be dependent, if they could help it, on the powers which were ruling England to her ruin. The Governor and assistants only, for the first twelve years, were sworn to be faithful to King Charles; but, so soon as he took up arms against the Parliament, his name disappears from the oath, long before it was disused by any one in England. Four years only after the foundation of Boston, a rumor came from England that a governor-general was to be appointed by the King. The magistrates took counsel with the ministers; and the ministers advised that if a governor-general were sent, "we ought not accept him; but defend our lawful possessions if we were able; otherwise, to avoid and protract."

The overthrow and death of Charles I were the work of the English Independents. The same men who established the Commonwealth of Massachusetts in this act established the Commonwealth of England. Not that the Independents voted,

without distinction, for the execution of the King ; but they did mean, without distinction, to give to the people the rule of the Commonwealth. I have no desire to overstate the share which New Englanders who had recrossed to England had in the great issue. I say simply that New England did, on a small scale, what England then did on a large scale ; and that the same men directed there as had sympathized here. Here, were but ten thousand men, all told ; there, were at least a million. The population of England was at least five millions, of whom one fifth, I suppose, were men. To the assistance of England the ten thousand here lent such men as Stephen Winthrop, Edward Winslow, John Leverett, and Robert Sedgwick, who took the highest military rank ; such men as Desborough, Peters, Downing, and Hopkins, who took high civil rank. And you remember it is said that of the first graduates of Harvard College, the abler part always returned to England to give there the service of their lives.

The words "Independence" and "Independent" are now favorite words in America. I have observed in later days that they have found especial favor in connection with the word "Sovereignty" in those States of this Union which fancy they are descended from the cavaliers of England. "Independent and Sovereign States," they say. Favorite words in America since a Continental Congress of the United States, led by the children of Roundheads, proclaimed the United States to be "free and independent." It is well, therefore, to remember how those words came into the English language. They are not in the English Bible. They are not in Shakespeare's plays. You read there of Dependence. Yes. But not yet of Independency. The word "Independency" was born when the hated Brownists separated themselves from the Church of England. The word "Independent" was borrowed from their vocabulary to designate the men who triumphed with Cromwell ; and from that dictionary of the Church the word was borrowed again in 1776, when the United States of America became an independent nation.

I must not attempt any further details of the triumphs of the Commonwealths of England and of New England. I have attempted to show that their politics were at heart the same. The leaders of the Commonwealth of England were the friends of New England. The leaders in New England came here with omens which seemed unpromising, to win a success which was denied at home. I know no self-sacrifice in history more loyal and gallant than that of our great governor when he was asked to go back to England to take place of honor and command, in their hopeful beginnings ; and when he held to the little State

in the wilderness rather than return to the delights of home and the certainty of distinction. It was that little State, of perhaps 30,000 people, which treated almost as an equal with the Parliament of England. In speaking of that State, the Long Parliament speaks of commerce between "the kingdom of England" and "the kingdom of New England." To that independent State the Parliament yielded the privilege of universal commerce, which to all *colonies* of England was denied. And that independent State, in the next session of the General Court of Massachusetts, returned the international civility; and, by the first reciprocal treaty, gave to the kingdom of England like privileges to those which to "the kingdom of New England" had thus been granted. To the navigation laws of that Parliament and of Cromwell England owes this day the commerce which whitens every sea. To that first reciprocal treaty New England owed the early maritime development which has sent her ships to every ocean.

As time has passed by, the Parliament of England has learned that Oliver Cromwell was never sovereign in that island. In the line of statues of English sovereigns in Parliament House, the eye first rests upon the vacant space between the images of Charles I and Charles II. There is no Cromwell there! Yet, if he were not sovereign of England for the ten years after the royal traitor died, it would be hard to say who was. He was not the sovereign of New England in those years. In those years New England knew no sovereign but her people. But he was the friend of New England and the friend of her rulers. They loved him, they believed in him, they honored him. He represented the policy which for ten years triumphed in Old England, and which has triumphed in New England till this time. Massachusetts is about to acknowledge her debt to Winthrop, which she can never pay, by erecting his statue in the National Capitol. There it is to stand first among the founders of America; first, where Virginia Dare and John Smith and George Calvert, and even Roger Williams and William Penn, are second. When that obligation is thus acknowledged, Massachusetts may well erect in her own capitol, face to face with Chantrey's statue of George Washington, the statue which England has not reared of Oliver Cromwell. It may bear this inscription:

OLIVER CROMWELL.

This man believed in Independency.

He was the sovereign of England for ten years.

He was the friend of New England through his life.

This statue stands here till the England which we love, and from which we were born, shall know who her true heroes were.

SIR HARRY VANE ON A CONSTITUTION.

Upon Cromwell's assumption of the protectorship, Vane wrote a political treatise, which he entitled "A Healing Question propounded and resolved, upon Occasion of the late public and seasonable Call to Humiliation, in order to Love and Union among the honest Party, and with a Desire to apply Balm to the Wound before it become incurable. By Henry Vane, Knight." In this treatise he enforced his old doctrines of civil and religious liberty, and added some theories and recommendations concerning the construction of a civil government, the result, no doubt, of quiet and philosophical reflection on the occurrences of his political life, which are in the last degree striking and memorable. He here proposed, in fact, for the first time in the records of history, that expedient of organizing a government "on certain fundamentals not to be dispensed with," which was thought "visionary" and impracticable by the world till the world learned to venerate the name of Washington.

Vane begins with a statement of the question thus: "The question propounded is, What possibility doth yet remain (all things considered) of reconciling and uniting the dissenting judgments of honest men within the three nations, who still pretend to agree in the spirit, justice, and reason of the same GOOD CAUSE, and what is the means to effect this?" Of that CAUSE he proceeds to say, that surely it "hath still the same goodness in it as ever, and is, or ought to be, as much in the hearts of all good people that have adhered to it; it is not less to be valued now than when neither blood nor treasure were thought too dear to carry it out, and hold it up from sinking; and hath the same omnipotent God, whose great name is concerned in it, as well as his people's outward safety and welfare; who knows also how to give a revival to it when secondary instruments and visible means fail *or prove deceitful*."

In a subsequent passage this is more distinctly stated, thus: "In the management of this war it pleased God, the righteous Judge (who was appealed to in the controversy), so to bless the counsel and forces of the persons concerned and engaged in this cause, as in the end to make them absolute and complete conquerors over their common enemy; and by this means they had added unto the natural right which was in them before (and so declared by their representatives in Parliament assembled), the right of conquest, for the strengthening of their just claim to be governed by national councils, and successive representatives of their own election and setting up. This they once thought they had been in possession of, when it was ratified, as it were, in the blood of the last king. But of late a great interruption having happened unto them in their former

expectations, and, *instead thereof, something rising up that seems rather accommodated to the private and selfish interest* of a particular part (in comparison) than truly adequate to the common good and concern of the whole body engaged in this cause; hence it is that this compacted body is now *falling asunder into many dissected parts* (a thing not unforeseen nor un hoped for by the common enemy all along as their last relief); and if these breaches be not timely healed, and the offences (before they take too deep root) removed, they will certainly work more to the advantage of the common enemy than any of their own unwearied endeavors and dangerous contrivances in foreign parts put altogether."

Enlarging next on the universal advantages of liberty in civil and religious matters, Vane goes on to develop the method by which he thinks it might be secured to the people, and therein suggests the idea of a FUNDAMENTAL CONSTITUTION. He then directs the following vigorous passage against Cromwell: "The offence which causes such great thoughts of heart among the honest party (if it may be freely expressed, as sure it may, when the magistrate himself professes he doth but desire and wait for conviction therein), is, in short, this: that when the right and privilege is returned, nay, is restored by conquest unto the whole body (that forfeited not their interest therein), of freely disposing themselves in such a constitution of righteous government as may best answer the end held forth in this cause; that, nevertheless, either through delay they should be withheld as they are, or through design they should come at last to be utterly denied the exercise of this their right, upon pretence that they are not in a capacity as yet to use it, which, indeed, hath some truth in it, if those that are now in power, and have the command of the arms, do not prepare all things requisite thereunto, as they may, and, like faithful guardians to the Commonwealth, admitted to be in its nonage, they ought. *But if the bringing of true freedom into exercise among men, yea, so refined a party of men, be impossible, why hath this been concealed all this while? and why was it not thought on before so much blood was spilt, and treasure spent? Surely such a thing as this was judged real and practicable, not imaginary and notional.* Besides, why may it not suffice to have been thus long delayed and withheld from the whole body, at least as to its being brought by them into exercise now at last? Surely the longer it is withheld, the stronger jealousies do increase, that it is intended to be assumed and engrossed by a part only, to the leaving the rest of the body (who, in all reason and justice, ought to be equally participants with the other in the right and benefit of the conquest, for as much as the war was managed at the expense and for the safety of the whole) in a

condition almost as much exposed, and subject to be imposed upon, as if they had been enemies and conquered, not in any sense conquerors. *If ever such an unrighteous, unkind, and deceitful dealing with brethren should happen*, although it might continue above the reach of question from human judicature, yet can we think it possible it should escape and go unpunished by the immediate hand of the righteous Judge of the whole world, *when he ariseth out of his place to do right to the oppressed ?* ”

After this solemn and searching reproof, Vane proceeds to present such a view of events and affairs as, without any personal allusion, made it clear that the ambition of Cromwell was the obstacle in the way of the establishment of a just and free government. He then delineates, in a passage ever deserving of remembrance, the course of proceedings by which a CONSTITUTION might be agreed upon and established, in reparation of all these injuries. The method, the reader will perceive, is exactly that which more than a century after was adopted by Washington and his immortal associates.

“ The most natural way for which would seem to be by a general council, or CONVENTION of faithful, honest, and discerning men, *chosen for that purpose by the free consent of the whole body of adherents to this cause, in the several parts of the nation*, and observing the time and place of meeting appointed to them (with other circumstances concerning their election), by order from the present ruling power, *but considered as general of the army ; which convention is not properly to exercise the legislative power, but only to debate freely and agree upon the particulars, that by way of FUNDAMENTAL CONSTITUTION shall be laid and inviolably observed* as the conditions upon which the whole body so represented doth consent to cast itself into a civil and politic incorporation, and under the visible form and administration of government therein declared, and to be by each individual member of the body subscribed in testimony of his or their particular consent given thereunto ; which conditions so agreed (and among them an act of oblivion for all) will be without danger of being broken or departed from, considering of what it is they are the conditions, and the nature of the convention wherein they are made, which is of the people represented in their highest state of sovereignty, as they have the sword in their hands unsubjected unto the rules of civil government, but what themselves, orderly assembled for that purpose, do think fit to make. And the sword, upon these conditions, subjecting itself to the supreme judicature thus to be set up, how suddenly might harmony, righteousness, love, peace, and safety unto the whole body follow hereupon, as the happy fruit of such a settlement, if the Lord have any delight to be among us ! ” — FORSTER.

THE COMPACT SIGNED ON BOARD THE MAYFLOWER.

The first written Constitution in history.

In ye name of God, Amen. We whose names are underwritten, the loyall subjects of our dread soveraigne Lord, King James, by ye grace of God, of Great Britaine, Franc, & Ireland king, defender of ye faith, &c., haveing undertaken, for ye glorie of God, and advancemente of ye Christian faith, and honour of our king & countrie, a voyage to plant ye first colonie in ye Northerne parts of Virginia, doe by these presents solemnly & mutuallie in ye presence of God, and one of another, covenant & combine our selves togeather into a civill body politick, for our better ordering & preservation & furtherance of ye ends aforesaid: and by vertue hearof to enacte, constitute, and frame such just & equall lawes, ordinances, acts, constitutions, & offices, from time to time, as shall be thought most meete & convenient for ye generall good of ye Colonie, unto which we promise all due submission and obedience. In witnes whereof we have hereunder subscribed our names at Cap-Codd ye 11. of November, in ye year of ye raigne of our soveraigne lord, King James, of England, France, & Ireland ye eighteenth, and of Scotland ye fiftie fourth. Ano: Dom. 1620.

Although no statue of Cromwell yet stands in the Parliament House at Westminster, at least three statues of him have been erected in England since Mr. Hale wrote, in 1860,—the first at Manchester, about ten years after that date. But the greatest monument to Cromwell had been reared twenty-five years before Mr. Hale wrote, in Carlyle's work on "Oliver Cromwell's Letters and Speeches." This work revolutionized opinion concerning Cromwell, and remains the important work for the thorough student. There is a good briefer biography of Cromwell by Picton. Forster's "Statesmen of the English Commonwealth" contains lives of Cromwell, Eliot, Pym, Hampden and Vane. In Sparks's American Biography, vol. iv, there is an excellent short life of Vane, the most American of all the statesmen of the Commonwealth: no full and adequate biography of Vane exists, but this deficiency is about to be supplied by Prof. Hosmer. Vane's original and radical proposition, in 1656, of a Fundamental Constitution, to be framed by a Convention chosen by the nation, should have special attention; his tract, "A Healing Question, etc.," from which extracts are published in this leaflet, may be found entire in the appendix to the life of Vane, in Forster's work. An account of the remarkable "Instrument of Government," drawn up by the Council of State in 1653, and under which Cromwell's protectorate begun, may be found in Green's "History of the English People" and in most of the histories, as well as in the lives of Cromwell and Vane. The young people are advised to read the whole section upon the Puritan period, in Green's history. Read also the chapter upon *Magna Charta*. *Magna Charta* (1215), and the Dutch *Great Privilege* (1477), which can be learned about in Modley, were great anticipations of constitutions. So were the charters under which Massachusetts and other American colonies were founded; read about the long struggle over the Massachusetts charter, in the histories of Massachusetts, in the Life of Winthrop, or in the volume of lectures from which Mr. Hale's words in this leaflet are taken. Gladstone's essay, "Kin beyond Sea," contains interesting comparisons of the British and American constitutions; there are several good separate works upon the British Constitution, by Amos, Bagelot, De Lolme and others, which are easily accessible; and the interesting little volumes (on such subjects as "Central Government," "The Electorate and the Legislature," "The National Budget," "The State in its Relation to Education," "The Land Laws," etc.) in the English Citizen Series, are warmly commended to the young people. Some of the older high school students will be glad to make this study of the relations of English and American history and politics the beginning of broader comparative studies of political organization. Such should read Erskine May's "Democracy in Europe," with its valuable chapters upon Switzerland and the Italian republics; and then they will go on to learn about the laws of Rome and the organization of the little states of Greece, the institutions of Solon and Lycurgus and the schemes in Plato's "Republic" and Aristotle's "Politics."

Old South Leaflets.

The English Colonies in America.

DE TOCQUEVILLE.¹

After the birth of a human being, his early years are obscurely spent in the toils or pleasures of childhood. As he grows up, the world receives him when his manhood begins, and he enters into contact with his fellows. He is then studied for the first time, and it is imagined that the germs of the vices and the virtues of his maturer years are then formed.

This, if I am not mistaken, is a great error. We must begin higher up; we must watch the infant in his mother's arms; we must see the first images which the external world casts upon the dark mirror of his mind, the first occurrences which he witnesses; we must hear the first words which awaken the sleeping powers of thought, and stand by his earliest efforts — if we would understand the prejudices, the habits, and the passions which will rule his life. The entire man is, so to speak, to be seen in the cradle of the child.

The growth of nations presents something analogous to this; they all bear some marks of their origin. The circumstances which accompanied their birth and contributed to their development affect the whole term of their being.

If we were able to go back to the elements of states, and to examine the oldest monuments of their history, I doubt not that we should discover in them the primal cause of the prejudices, the habits, the ruling passions, and, in short, of all that constitutes what is called the national character. We should there find the explanation of certain customs which now seem

¹ From the second chapter of his "Democracy in America."

at variance with the prevailing manners; of such laws as conflict with established principles; and of such incoherent opinions as are here and there to be met with in society, like those fragments of broken chains which we sometimes see hanging from the vaults of an old edifice, and supporting nothing. This might explain the destinies of certain nations which seem borne on by an unknown force to ends of which they themselves are ignorant. But hitherto facts have been wanting to researches of this kind: the spirit of inquiry has only come upon communities in their latter days; and when they at length contemplated their origin, time had already obscured it, or ignorance and pride adorned it with truth-concealing fables.

America is the only country in which it has been possible to witness the natural and tranquil growth of society, and where the influence exercised on the future condition of states by their origin is clearly distinguishable.

At the period when the peoples of Europe landed in the New World, their national characteristics were already completely formed; each of them had a physiognomy of its own; and as they had already attained that stage of civilization at which men are led to study themselves, they have transmitted to us a faithful picture of their opinions, their manners, and their laws. The men of the sixteenth century are almost as well known to us as our contemporaries. America, consequently, exhibits in the broad light of day the phenomena which the ignorance or rudeness of earlier ages conceals from our researches. Near enough to the time when the states of America were founded to be accurately acquainted with their elements, and sufficiently removed from that period to judge of some of their results, the men of our own day seem destined to see further than their predecessors into the series of human events. Providence has given us a torch which our forefathers did not possess, and has allowed us to discern fundamental causes in the history of the world which the obscurity of the past concealed from them.

If we carefully examine the social and political state of America, after having studied its history, we shall remain perfectly convinced that not an opinion, not a custom, not a law, I may even say not an event, is upon record which the origin of that people will not explain.

The emigrants who came at different periods to occupy the territory now covered by the American Union differed from each other in many respects; their aim was not the same, and they governed themselves on different principles.

These men had, however, certain features in common, and they were all placed in an analogous situation. The tie of language is, perhaps, the strongest and the most durable that can unite mankind. All the emigrants spoke the same tongue: they were all offsets from the same people. Born in a country which had been agitated for centuries by the struggles of faction, and in which all parties had been obliged in their turn to place themselves under the protection of the laws, their political education had been perfected in this rude school; and they were more conversant with the notions of right, and the principles of true freedom, than the greater part of their European contemporaries. At the period of the first emigrations, the township system, that fruitful germ of free institutions, was deeply rooted in the habits of the English; and with it the doctrine of the sovereignty of the people had been introduced into the bosom of the monarchy of the house of Tudor.

The religious quarrels which have agitated the Christian world were then rife. England had plunged into the new order of things with headlong vehemence. The character of its inhabitants, which had always been sedate and reflective, became argumentative and austere. General information had been increased by intellectual contests, and the mind had received in them a deeper cultivation. Whilst religion was the topic of discussion, the morals of the people became more pure. All these national features are more or less discoverable in the physiognomy of those Englishmen who came to seek a new home on the opposite shores of the Atlantic.

Another remark, to which we shall hereafter have occasion to recur, is applicable not only to the English, but to the French, the Spaniards, and all the Europeans who successively established themselves in the New World. All these European colonies contained the elements, if not the development, of a complete democracy. Two causes led to this result. It may be said generally, that on leaving the mother country the emigrants had, in general, no notion of superiority one over another. The happy and the powerful do not go into exile, and there are no surer guaranties of equality among men than poverty and misfortune. It happened, however, on several occasions, that persons of rank were driven to America by political and religious quarrels. Laws were made to establish a gradation of ranks; but it was soon found that the soil of America was opposed to a territorial aristocracy. To bring that refractory land into cultivation, the constant and interested exertions of the owner himself were necessary; and

when the ground was prepared, its produce was found to be insufficient to enrich a proprietor and a farmer at the same time. The land was then naturally broken up into small portions, which the proprietor cultivated for himself. Land is the basis of an aristocracy, which clings to the soil that supports it; for it is not by privileges alone, nor by birth, but by landed property handed down from generation to generation, that an aristocracy is constituted. A nation may present immense fortunes and extreme wretchedness; but unless those fortunes are territorial, there is no true aristocracy, but simply the class of the rich and that of the poor.

All the British colonies had then a great degree of family likeness at the epoch of their settlement. All of them, from their beginning, seemed destined to witness the growth, not of the aristocratic liberty of their mother country, but of that freedom of the middle and lower orders of which the history of the world had as yet furnished no complete example.

In this general uniformity, however, several striking differences were discernible, which it is necessary to point out. Two branches may be distinguished in the great Anglo-American family, which have hitherto grown up without entirely commingling; the one in the South, the other in the North.

Virginia received the first English colony; the emigrants took possession of it in 1607. The idea that mines of gold and silver are the sources of national wealth was at that time singularly prevalent in Europe; a fatal delusion, which has done more to impoverish the European nations who adopted it, and has cost more lives in America, than the united influence of war and bad laws. The men sent to Virginia were seekers of gold, adventurers without resources and without character, whose turbulent and restless spirit endangered the infant colony, and rendered its progress uncertain. Artisans and agriculturists arrived afterwards; and, although they were a more moral and orderly race of men, they were hardly in any respect above the level of the inferior classes in England. No lofty views, no spiritual conception, presided over the foundation of these new settlements. The colony was scarcely established when slavery was introduced; this was the capital fact which was to exercise an immense influence on the character, the laws, and the whole future of the South. Slavery, as we shall afterwards show, dishonors labor; it introduces idleness into society, and with idleness, ignorance and pride, luxury and distress. It enervates the powers of the mind and benumbs the activity of man. The

influence of slavery, united to the English character, explains the manners and social condition of the Southern States.

In the North, the same English character as the ground received totally different colors. Here I may be allowed to enter into some details.

In the English colonies of the North, more generally known as the States of New England, the two or three main ideas which now constitute the basis of the social theory of the United States were first combined. The principles of New England spread at first to the neighboring States; they then passed successively to the more distant ones; and at last, if I may so speak, they *interpenetrated* the whole confederation. They now extend their influence beyond its limits, over the whole American world. The civilization of New England has been like a beacon lit upon a hill, which, after it has diffused its warmth immediately around it, also tinges the distant horizon with its glow.

The foundation of New England was a novel spectacle, and all the circumstances attending it were singular and original. Nearly all colonies have been first inhabited either by men without education and without resources, driven by their poverty and their misconduct from the land which gave them birth, or by speculators and adventurers greedy of gain. Some settlements cannot even boast so honorable an origin; St. Domingo was founded by buccaneers; and, at the present day, the criminal courts of England supply the population of Australia.

The settlers who established themselves on the shores of New England all belonged to the more independent classes of their native country. Their union on the soil of America at once presented the singular phenomenon of a society containing neither lords nor common people, and we may almost say, neither rich nor poor. These men possessed, in proportion to their number, a greater mass of intelligence than is to be found in any European nation of our own time. All, perhaps without a single exception, had received a good education, and many of them were known in Europe for their talents and their acquirements. The other colonies had been founded by adventurers without families; the emigrants of New England brought with them the best elements of order and morality; they landed on the desert coast accompanied by their wives and children. But what especially distinguished them from all others was the aim of their undertaking. They had not been obliged by necessity to leave their country; the social position they abandoned was one to be regretted, and their means of subsistence were certain.

Nor did they cross the Atlantic to improve their situation or to increase their wealth ; it was a purely intellectual craving which called them from the comforts of their former homes ; and in facing the inevitable sufferings of exile, their object was the triumph of an idea.

The emigrants, or, as they deservedly styled themselves, the Pilgrims, belonged to that English sect the austerity of whose principles had acquired for them the name of Puritans. Puritanism was not merely a religious doctrine, but it corresponded in many points with the most absolute democratic and republican theories. It was this tendency that had aroused its most dangerous adversaries. Persecuted by the government of the mother country, and disgusted by the habits of a society which the rigor of their own principles condemned, the Puritans went forth to seek some rude and unfrequented part of the world, where they could live according to their own opinions, and worship God in freedom.

The religious and political passions which ravaged the British empire during the whole reign of Charles I drove fresh crowds of sectarians every year to the shores of America. In England, the stronghold of Puritanism continued to be in the middle classes ; and it was from the middle classes that most of the emigrants came. The population of New England increased rapidly ; and whilst the hierarchy of rank despotically classed the inhabitants of the mother country, the colony approximated more and more the novel spectacle of a community homogeneous in all its parts. A democracy, more perfect than antiquity had dared to dream of, started in full size and panoply from the midst of an ancient feudal society.

The English colonies (and this is one of the main causes of their prosperity) have always enjoyed more internal freedom and more political independence than the colonies of other nations ; and this principle of liberty was nowhere more extensively applied than in the States of New England. In general, charters were not given to the colonies of New England till their existence had become an established fact. Plymouth, Providence, New Haven, Connecticut, and Rhode Island were founded without the help, and almost without the knowledge, of the mother country. The new settlers did not derive their powers from the head of the empire, although they did not deny its supremacy ; they constituted themselves into a society, and it was not till thirty or forty years afterwards, under Charles II, that their existence was legally recognized by a royal charter. This frequently renders it difficult, in studying the earliest historical and legisla-

tive records of New England, to detect the link which connected the emigrants with the land of their forefathers. They continually exercised the rights of sovereignty; they named their magistrates, concluded peace or declared war, made police regulations, and enacted laws, as if their allegiance was due only to God.

The general principles which are the groundwork of modern constitutions — principles which, in the seventeenth century, were imperfectly known in Europe, and not completely triumphant even in Great Britain — were all recognized and established by the laws of New England: the intervention of the people in public affairs, the free voting of taxes, the responsibility of the agents of power, personal liberty, and trial by jury, were all positively established without discussion. These fruitful principles were there applied and developed to an extent such as no nation in Europe has yet ventured to attempt. The political existence of the majority of the nations of Europe commenced in the superior ranks of society, and was gradually and imperfectly communicated to the different members of the social body. In America, on the contrary, it may be said that the township was organized before the county, the county before the State, the State before the Union. In New England, townships were completely and definitively constituted as early as 1650. The independence of the township was the nucleus round which the local interests, passions, rights, and duties collected and clung. It gave scope to the activity of a real political life, thoroughly democratic and republican. The colonies still recognized the supremacy of the mother country: monarchy was still the law of the State; but the republic was already established in every township.

VERSES ON THE PROSPECT OF PLANTING ARTS AND LEARNING
IN AMERICA.

The Muse, disgusted at an age and clime
Barren of every glorious theme,
In distant lands now waits a better time,
Producing subjects worthy fame.

In happy climes, where from the genial sun
And virgin earth such scenes ensue,
The force of art by nature seems outdone,
And fancied beauties by the true:

In happy climes, the seat of innocence,
 Where nature guides and virtue rules,
 Where men shall not impose for truth and sense
 The pedantry of courts and schools :

There shall be sung another golden age,
 The rise of empire and of arts,
 The good and great inspiring epic rage,
 The wisest heads and noblest hearts.

Not such as Europe breeds in her decay;
 Such as she bred when fresh and young,
 When heavenly flame did animate her clay,
 By future poets shall be sung.

Westward the course of empire takes its way;
 The four first acts already past,
 A fifth shall close the drama with the day;
 Time's noblest offspring is the last.

— *Bishop Berkeley.*

In the first chapter of his "Democracy in America," De Tocqueville treats of the physical features of the country, and of the dangers from the Indians, which gradually compelled much united effort on the part of the colonies. Elsewhere he discusses fully the New England town-meeting, which did so much to nurse the spirit of independence. There is a good chapter on the Town-Meeting in Mr. Fiske's "American Political Ideas;" and the other two chapters of this little book, on the Federal Union and the Manifest Destiny of the English Race, may now also be profitably read by the student in connection with the general subject of the lectures. The chapter entitled "An English Nation," in Higginson's "Larger History of the United States," should be read by the young people, and they would do well to keep on through the next six chapters. In Coffin's "Old Times in the Colonies" are many chapters which will show the youngest readers of history how early the feelings of independence and of union were born in the colonies. The best single book for the thorough student, on the development of the national spirit, is Frothingham's "Rise of the Republic of the United States." Doyle's "The English in America" and Lodge's "Short History of the English Colonies in America" should also be read. In the second volume of Masson's "Life and Times of Milton" is a valuable chapter on Independence and the character of the New England colonies. Parkman's "Montcalm and Wolfe" contains important reflections upon the contest which settled the question of English supremacy in America. Of the conditions under which the first Continental Congress met, and of the various federal movements and institutions which made the Revolution possible and successful, the student can read in Bancroft and in the lives of Franklin, Samuel Adams, and the other great leaders. Cooley's "General Principles of Constitutional Law in the United States," a handbook which is especially commended to the maturer students attending these lectures, contains a valuable introductory chapter on "The Rise of the American Union;" and the same general subject is treated in Story's "Commentaries on the Constitution," Kent's "Commentaries," and Curtis's "History of the Constitution," works to which there will be occasion to refer in subsequent leaflets.

Old South Leaflets.

The Time of Our Political Probation.

Circular Letter addressed by ^{General} Washington to the Governors of all the States, on disbanding the Army.

HEAD-QUARTERS, Newburg, 8 June, 1783.

SIR : The great object for which I had the honor to hold an appointment in the service of my country being accomplished, I am now preparing to resign it into the hands of Congress, and to return to that domestic retirement which, it is well known, I left with the greatest reluctance ; a retirement for which I have never ceased to sigh through a long and painful absence, and in which (remote from the noise and trouble of the world) I meditate to pass the remainder of life in a state of undisturbed repose. But before I carry this resolution into effect, I think it a duty incumbent on me to make this my last official communication ; to congratulate you on the glorious events which Heaven has been pleased to produce in our favor ; to offer my sentiments respecting some important subjects which appear to me to be intimately connected with the tranquillity of the United States ; to take my leave of your Excellency as a public character ; and to give my final blessing to that country in whose service I have spent the prime of my life, for whose sake I have consumed so many anxious days and watchful nights, and whose happiness, being extremely dear to me, will always constitute no inconsiderable part of my own.

Impressed with the liveliest sensibility on this pleasing occasion, I will claim the indulgence of dilating the more copiously on the subjects of our mutual felicitation. When we consider the magnitude of the prize we contended for, the doubtful nature of the contest, and the favorable manner in which it has terminated, we shall find the greatest possible reason for gratitude and rejoicing. This is a theme that will afford infinite delight to every benevolent and liberal mind, whether the event in contemplation be considered as the source of present enjoyment or the parent of future happiness ; and we shall have equal occasion to felicitate ourselves on the lot which Providence has assigned us, whether we view it in a natural, a political, or moral point of light.

The citizens of America, placed in the most enviable condition as the sole lords and proprietors of a vast tract of continent, comprehending all the various soils and climates of the world, and abounding with all the necessities and conveniences of life, are now, by the late satisfactory pacification, acknowledged

to be possessed of absolute freedom and independency. They are from this period to be considered as the actors on a most conspicuous theatre, which seems to be peculiarly designated by Providence for the display of human greatness and felicity. Here they are not only surrounded with everything which can contribute to the completion of private and domestic enjoyment, but Heaven has crowned all its other blessings by giving a fairer opportunity for political happiness than any other nation has ever been favored with. Nothing can illustrate these observations more forcibly than a recollection of the happy conjuncture of times and circumstances under which our republic assumed its rank among the nations. The foundation of our empire was not laid in the gloomy age of ignorance and superstition, but at an epocha when the rights of mankind were better understood and more clearly defined than at any former period. The researches of the human mind after social happiness have been carried to a great extent: the treasures of knowledge, acquired by the labors of philosophers, sages, and legislators, through a long succession of years, are laid open for our use, and their collected wisdom may be happily applied in the establishment of our forms of government. The free cultivation of letters, the unbounded extension of commerce, the progressive refinement of manners, the growing liberality of sentiment, and, above all, the pure and benign light of Revelation, have had a meliorating influence on mankind and increased the blessings of society. At this auspicious period the United States came into existence as a nation: and if their citizens should not be completely free and happy the fault will be entirely their own.

Such is our situation and such are our prospects: but, notwithstanding the cup of blessing is thus reached out to us, notwithstanding happiness is ours, if we have a disposition to seize the occasion and make it our own, yet it appears to me there is an option still left to the United States of America, that it is in their choice, and depends upon their conduct, whether they will be respectable and prosperous or contemptible and miserable, as a nation. This is the time of their political probation: this is the moment when the eyes of the whole world are turned upon them: this is the moment to establish or ruin their national character forever: this is the favorable moment to give such a tone to our federal government as will enable it to answer the ends of its institution, or this may be the ill-fated moment for relaxing the powers of the Union, annihilating the cement of the confederation, and exposing us to become the sport of European politics, which may play one State against another to prevent their growing important and to serve their own interested purposes. For, according to the system of policy the States shall adopt at this moment they will stand or fall: and by their confirmation or lapse it is yet to be decided whether the revolution

must ultimately be considered as a blessing or a curse ; a blessing or a curse not to the present age alone, for with our fate will the destiny of unborn millions be involved.

With this conviction of the importance of the present crisis silence in me would be a crime. I will, therefore, speak to your Excellency the language of freedom and of sincerity without disguise. I am aware, however, that those who differ from me in political sentiment may perhaps remark that I am stepping out of the proper line of my duty, and may possibly ascribe to arrogance or ostentation what I know is alone the result of the purest intention. But the rectitude of my own heart, which disdains such unworthy motives, the part I have hitherto acted in life, the determination I have formed of not taking any share in public business hereafter, the ardent desire I feel, and shall continue to manifest, of quietly enjoying in private life, after all the toils of war, the benefits of a wise and liberal government, will, I flatter myself, sooner or later convince my countrymen that I could have no sinister views in delivering with so little reserve the opinions contained in this address.

There are four things which I humbly conceive are essential to the well-being, I may even venture to say to the existence, of the United States as an independent power.

First. An indissoluble union of the States under one federal head.

Second. A sacred regard to public justice.

Third. The adoption of a proper peace establishment ; and

Fourth. The prevalence of that pacific and friendly disposition among the people of the United States which will induce them to forget their local prejudices and policies, to make those mutual concessions which are requisite to the general prosperity, and, in some instances, to sacrifice their individual advantages to the interest of the community.

These are the pillars on which the glorious fabric of our independency and national character must be supported. Liberty is the basis ; and whoever would dare to sap the foundation or overturn the structure, under whatever specious pretext he may attempt it, will merit the bitterest execration and the severest punishment which can be inflicted by his injured country.

On the three first articles I will make a few observations, leaving the last to the good sense and serious consideration of those immediately concerned.

Under the first head, although it may not be necessary or proper for me in this place to enter into a particular disquisition on the principles of the Union, and to take up the great question which has been frequently agitated, whether it be expedient and requisite for the States to delegate a larger proportion of power to Congress or not, yet it will be a part of my duty,

and that of every true patriot, to assert without reserve and to insist upon the following positions: That, unless the States will suffer Congress to exercise those prerogatives they are undoubtedly invested with by the Constitution, everything must very rapidly tend to anarchy and confusion. That it is indispensable to the happiness of the individual States that there should be lodged somewhere a supreme power to regulate and govern the general concerns of the confederated republic, without which the Union cannot be of long duration. That there must be a faithful and pointed compliance on the part of every State with the late proposals and demands of Congress, or the most fatal consequences will ensue. That whatever measures have a tendency to dissolve the Union or contribute to violate or lessen the sovereign authority, ought to be considered as hostile to the liberty and independency of America, and the authors of them treated accordingly. And lastly, that unless we can be enabled by the concurrence of the States to participate of the fruits of the revolution, and enjoy the essential benefits of civil society under a form of government so free and uncorrupted, so happily guarded against the danger of oppression, as has been devised and adopted by the articles of confederation, it will be a subject of regret that so much blood and treasure have been lavished for no purpose, that so many sufferings have been encountered without a compensation, and that so many sacrifices have been made in vain.

Many other considerations might here be adduced to prove that without an entire conformity to the spirit of the Union, we cannot exist as an independent power. It will be sufficient for my purpose to mention but one or two which seem to me of the greatest importance. It is only in our united character as an empire that our independence is acknowledged, that our power can be regarded or our credit supported among foreign nations. The treaties of the European powers with the United States of America will have no validity on a dissolution of the Union. We shall be left nearly in a state of nature; or we may find by our own unhappy experience that there is a natural and necessary progression from the extreme of anarchy to the extreme of tyranny, and that arbitrary power is most easily established on the ruins of liberty abused to licentiousness.

As to the second article, which respects the performance of public justice, Congress have, in their late address to the United States, almost exhausted the subject; they have explained their ideas so fully, and have enforced the obligations the States are under to render complete justice to all the public creditors, with so much dignity and energy, that in my opinion no real friend of the honor and independency of America can hesitate a single moment respecting the propriety of complying with the just and honorable measures proposed. If their arguments do not pro-

duce conviction I know of nothing that will have greater influence, especially when we recollect that the system referred to, being the result of the collected wisdom of the continent, must be esteemed, if not perfect, certainly the least objectionable of any that could be devised, and that if it shall not be carried into immediate execution a national bankruptcy, with all its deplorable consequences, will take place before any different plan can possibly be proposed and adopted. So pressing are the present circumstances and such is the alternative now offered to the States.

The ability of the country to discharge the debts which have been incurred in its defence is not to be doubted; an inclination, I flatter myself, will not be wanting. The path of our duty is plain before us; honesty will be found on every experiment to be the best and only true policy. Let us then as a nation be just; let us fulfill the public contracts which Congress had undoubtedly a right to make for the purpose of carrying on the war, with the same good faith we suppose ourselves bound to perform our private engagements. In the meantime let an attention to the cheerful performance of their proper business, as individuals and as members of society, be earnestly inculcated on the citizens of America; then will they strengthen the hands of government and be happy under its protection; every one will reap the fruit of his labors, every one will enjoy his own acquisitions without molestation and without danger.

In this state of absolute freedom and perfect security, who will grudge to yield a very little of his property to support the common interest of society and insure the protection of government? Who does not remember the frequent declarations, at the commencement of the war, that we should be completely satisfied if, at the expense of one half, we could defend the remainder of our possessions? Where is the man to be found who wishes to remain indebted for the defence of his own person and property to the exertions, the bravery, and the blood of others, without making one generous effort to repay the debt of honor and of gratitude? In what part of the continent shall we find any man, or body of men, who would not blush to stand up and propose measures purposely calculated to rob the soldier of his stipend and the public creditor of his due? And were it possible that such a flagrant instance of injustice could ever happen, would it not excite the general indignation, and tend to bring down upon the authors of such measures the aggravated vengeance of Heaven? If, after all, a spirit of disunion, or a temper of obstinacy and perverseness, should manifest itself in any of the States, if such an ungracious disposition should attempt to frustrate all the happy effects that might be expected to flow from the Union, if there should be a refusal to comply with the requisitions for funds to discharge the annual interest

of the public debts, and if that refusal should revive again all those jealousies and produce all those evils which are now happily removed. Congress, who have, in all their transactions, shown a great degree of magnanimity and justice, will stand justified in the sight of God and man; and that State alone which puts itself in opposition to the aggregate wisdom of the continent, and follows such mistaken and pernicious counsels, will be responsible for all the consequences.

Washington next enforces the obligations of the country to the soldiers. The resolutions of Congress concerning half-pay and commutation to officers he pronounces "as absolutely binding upon the United States as the most solemn acts of confederation or legislation." He continues: "As to the idea, which I am informed has in some instances prevailed, that the half-pay and commutation are to be regarded merely in the odious light of a pension, it ought to be exploded forever. That provision should be viewed, as it really was, a reasonable compensation offered by Congress at a time when they had nothing else to give to the officers of the army for services then to be performed. It was the only means to prevent a total dereliction of the service. It was a part of their hire. I may be allowed to say it was the price of their blood and of your independency; it is, therefore, more than a common debt; it is a debt of honor; it can never be considered as a pension or gratuity, nor be cancelled until it is fairly discharged. Should a further reward to the private soldiers," he adds, "be judged equitable, I will venture to assert that no one will enjoy greater satisfaction than myself on seeing an exemption from taxes for a limited time (which has been petitioned for in some instances), or any other adequate immunity or compensation granted to the brave defenders of their country's cause."

Before I conclude the subject of public justice I cannot omit to mention the obligations this country is under to that meritorious class of veteran non-commissioned officers and privates who have been discharged for inability, in consequence of the resolution of Congress of the 23d of April, 1782, on an annual pension for life. Their peculiar sufferings, their singular merits and claims to that provision, need only be known to interest all the feelings of humanity in their behalf. Nothing but a punctual payment of their annual allowance can rescue them from the most complicated misery: and nothing could be a more melancholy and distressing sight than to behold those who have shed their blood or lost their limbs in the service of their country, without a shelter, without a friend, and without the means of obtaining any of the necessities or comforts of life, compelled to beg their daily bread from door to door. Suffer me to recommend those of this description belonging to your State to the warmest patronage of your Excellency and your legislature.

It is necessary to say but a few words on the third topic which was proposed, and which regards particularly the defence of the republic, as there can be little doubt that Congress will recommend a proper peace establishment for the United States,

in which a due attention will be paid to the importance of placing the militia of the Union upon a regular and respectable footing. If this should be the case, I would beg leave to urge the great advantage of it in the strongest terms. The militia of this country must be considered as the palladium of our security and the first effectual resort in case of hostility. It is essential, therefore, that the same system should pervade the whole; that the formation and discipline of the militia of the continent should be absolutely uniform, and that the same species of arms, accoutrements, and military apparatus should be introduced in every part of the United States. No one who has not learned it from experience can conceive the difficulty, expense, and confusion which result from a contrary system, or the vague arrangements which have hitherto prevailed.

If, in treating of political points, a greater latitude than usual has been taken in the course of this address, the importance of the crisis, and the magnitude of the objects in discussion, must be my apology. It is, however, neither my wish nor expectation that the preceding observations should claim any regard, except so far as they shall appear to be dictated by a good intention, consonant to the immutable rules of justice, calculated to produce a liberal system of policy, and founded on whatever experience may have been acquired by a long and close attention to public business. Here I might speak with the more confidence from my actual observations; and if it would not swell this letter (already too prolix) beyond the bounds I had prescribed to myself, I could demonstrate to every mind open to conviction, that in less time and with much less expense than has been incurred, the war might have been brought to the same happy conclusion if the resources of the continent could have been properly drawn forth; that the distresses and disappointments which have very often occurred have, in too many instances, resulted more from a want of energy in the Continental government than a deficiency of means in the particular States; that the inefficacy of measures arising from the want of an adequate authority in the supreme power, from a partial compliance with the requisitions of Congress in some of the States, and from a failure of punctuality in others, while it tended to damp the zeal of those who were more willing to exert themselves, served also to accumulate the expenses of the war, and to frustrate the best concerted plans; and that the discouragement occasioned by the complicated difficulties and embarrassments in which our affairs were by this means involved, would have long ago produced the dissolution of any army less patient, less virtuous, and less persevering than that which I have had the honor to command. But, while I mention these things, which are notorious facts, as the defects of our federal constitution, particularly in the prosecution of a war, I beg it may be understood that as I

have ever taken a pleasure in gratefully acknowledging the assistance and support I have derived from every class of citizens, so shall I always be happy to do justice to the unparalleled exertions of the individual States on many interesting occasions.

I have thus freely disclosed what I wished to make known before I surrendered up my public trust to those who committed it to me. The task is now accomplished. I now bid adieu to your Excellency as the chief magistrate of your State, at the same time I bid a last farewell to the cares of office and all the employments of public life.

It remains, then, to be my final and only request that your Excellency will communicate these sentiments to your legislature at their next meeting, and that they may be considered as the legacy of one who has ardently wished on all occasions to be useful to his country, and who, even in the shade of retirement, will not fail to implore the Divine benediction upon it.

I now make it my earnest prayer that God would have you and the State over which you preside in his holy protection; that he would incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; to entertain a brotherly affection and love for one another, for their fellow citizens of the United States at large, and particularly for their brethren who have served in the field; and finally, that he would most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion, and without an humble imitation of whose example in these things we can never hope to be a happy nation.

I have the honor to be, with much esteem and respect, Sir, your Excellency's most obedient and most humble servant,

GEORGE WASHINGTON.

Of the conditions under which Washington wrote the circular letter here given, and which he entreated the people to receive as "his legacy" on his retirement to private life, the student can read in Irving's *Life of Washington* and in the other biographies. "How the Land Received the Legacy of Washington" is the subject of an entire chapter in Bancroft's *History of the Formation of the Constitution* (vol. vi of the new edition of his *History of the United States*). Bancroft's work gives the best general account of the period between the close of the Revolution and the adoption of the Constitution. The last chapter of Frothingham's *Rise of the Republic* covers this "period of probation," as Washington well termed it; and the young people will find the same briefly treated in all the smaller histories, Higginson's, Scudder's, Johnston's, etc. McMaster's *History of the People of the United States* is commended to the careful student; the entire first volume relates to the period now under survey, the first chapter painting a picture of the social conditions and life of the people at the close of the Revolution, and the three following chapters treating of the confusion preceding the adoption of the Constitution. The articles by John Fiske in the *Atlantic Monthly* for 1886 and 1887 are also warmly commended: these articles were originally lectures given in the Old South Meeting House, under the title of "The Critical Period of American History." Cooley, Curtis, and Story may be consulted, as before.

Old South Tractlets.

U. S. Constitution

The Constitution of the United States.

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

SECTION I.

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION II.

The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

No person shall be a Representative who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual

enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of *New Hampshire* shall be entitled to choose three, *Massachusetts* eight, *Rhode Island and Providence Plantations* one, *Connecticut* five, *New York* six, *New Jersey* four, *Pennsylvania* eight, *Delaware* one, *Maryland* six, *Virginia* ten, *North Carolina* five, *South Carolina* five, and *Georgia* three.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

SECTION III.

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a Senator, who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECTION IV.

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.

Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy, and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION VI.

The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

SECTION VII.

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by

the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION VIII.

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post-offices and post-roads;

To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas and offences against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; — and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

SECTION IX.

The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or ex post facto law shall be passed.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

SECTION X.

No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION I.

The executive power shall be vested in a President of the United States of America. He shall hold his office during the

term of four years, and together with the Vice President, chosen for the same term, be elected as follows:

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress : but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.]*

The Congress may determine the time of choosing the elec-

* This clause of the Constitution has been amended. See twelfth article of the amendments.

tors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he may have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:—

“I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability preserve, protect, and defend the Constitution of the United States.”

SECTION II.

The President shall be Commander-in-chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the sena-

tors present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION III.

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION IV.

The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION I.

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SECTION II.

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States, — between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact; with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION III.

Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted.

ARTICLE IV.

SECTION I.

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State.

And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SECTION II.

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION III.

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION IV.

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive, (when the legislature cannot be convened,) against domestic violence.

ARTICLE V.

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress, provided that no amendments which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

AMENDMENTS.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor

be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII.

The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; — the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March, next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United

States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

Old South Leaflets.

The Last Day of the Constitutional Convention.

FROM MADISON'S JOURNAL.

MONDAY, September 17. *In Convention* — The engrossed Constitution being read, Doctor Franklin rose with a speech in his hand, which he had reduced to writing for his own convenience, and which Mr. Wilson read in the words following :

“MR. PRESIDENT : I confess that there are several parts of this Constitution which I do not at present approve, but I am not sure I shall never approve them. For, having lived long, I have experienced many instances of being obliged by better information, or fuller consideration, to change opinions even on important subjects which I once thought right, but found to be otherwise. It is therefore that, the older I grow, the more apt I am to doubt my own judgment, and to pay more respect to the judgment of others. Most men, indeed, as well as most sects in religion, think themselves in possession of all truth, and that wherever others differ from them it is so far error. Steele, a Protestant, in a dedication tells the Pope that the only difference between our churches, in their opinions of the certainty of their doctrines, is, ‘the Church of Rome is infallible, and the Church of England is never in the wrong.’ But though many private persons think almost as highly of their own infallibility as of that of their sect, few express it so naturally as a certain French lady who, in a dispute with her sister, said, ‘I don’t know how it happens, sister, but I meet with nobody but myself that is always in the right — *il n’y a que moi qui a toujours raison.*’

“In these sentiments, sir, I agree to this Constitution, with all its faults, if they are such, because I think a General Gov-

ernment necessary for us, and there is no form of government but what may be a blessing to the people if well administered; and believe further, that this is likely to be well administered for a course of years, and can only end in despotism, as other forms have done before it, when the people shall become so corrupted as to need despotic government, being incapable of any other. I doubt, too, whether any other Convention we can obtain may be able to make a better Constitution. For when you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an assembly can a perfect production be expected? It, therefore, astonishes me, sir, to find this system approaching so near to perfection as it does; and I think it will astonish our enemies, who are waiting with confidence to hear that our councils are confounded, like those of the builders of Babel, and that our States are on the point of separation, only to meet hereafter for the purpose of cutting one another's throats. Thus I consent, sir, to this Constitution because I expect no better, and because I am not sure that it is not the best. The opinions I have had of its errors I sacrifice to the public good. I have never whispered a syllable of them abroad. Within these walls they were born and here they shall die. If every one of us, in returning to our constituents, were to report the objections he has had to it, and endeavor to gain partisans in support of them, we might prevent its being generally received, and thereby lose all the salutary effects and great advantages resulting naturally in our favor among foreign nations as well as among ourselves, from our real or apparent unanimity. Much of the strength and efficiency of any government, in procuring and securing happiness to the people, depends on opinion—on the general opinion of the goodness of the government as well as of the wisdom and integrity of its governors. I hope, therefore, that for our own sakes, as a part of the people, and for the sake of posterity, we shall act heartily and unanimously in recommending this Constitution (if approved by Congress and confirmed by the Conventions) wherever our influence may extend, and turn our future thoughts and endeavors to the means of having it well administered.

“On the whole, sir, I cannot help expressing a wish that every member of the Convention who may still have objections

to it would, with me, on this occasion doubt a little of his own infallibility and, to make manifest our unanimity, put his name to this instrument."

He then moved that the Constitution be signed by the members, and offered the following as a convenient form, viz.: "Done in Convention by the unanimous consent of *the States* present the seventeenth of September, etc. In witness whereof we have hereunto subscribed our names."

This ambiguous form had been drawn up by Mr. Gouverneur Morris, in order to gain the dissenting members, and put into the hands of Doctor Franklin, that it might have the better chance of success.

Mr. Gorham said, if it was not too late, he could wish, for the purpose of lessening objections to the Constitution, that the clause declaring that "the number of Representatives shall not exceed one for every forty thousand," which had produced so much discussion, might be yet reconsidered in order to strike out "forty thousand" and insert "thirty thousand." This would not, he remarked, establish that as an absolute rule, but only give Congress a greater latitude, which could not be thought unreasonable.

Mr. King and Mr. Carroll seconded and supported the ideas of Mr. Gorham.

When the President rose for the purpose of putting the question, he said, that although his situation had hitherto restrained him from offering his sentiments on questions depending in the House, and it might be thought ought now to impose silence on him, yet he could not forbear expressing his wish that the alteration proposed might take place. It was much to be desired that the objections to the plan recommended might be made as few as possible. The smallness of the proportion of Representatives had been considered by many members of the Convention an insufficient security for the rights and interests of the people. He acknowledged that it had always appeared to himself among the exceptionable parts of the plan; and late as the present moment was for admitting amendments, he thought this of so much consequence that it would give him much satisfaction to see it adopted.¹

No opposition was made to the proposition of Mr. Gorham, and it was agreed to unanimously.

¹ This was the only occasion on which the President entered at all into the discussions of the Convention.

On the question to agree to the Constitution, enrolled, in order to be signed, it was agreed to, all the *States* answering, aye.

Mr. Randolph then rose, and with an allusion to the observations of Doctor Franklin, apologized for his refusing to sign the Constitution notwithstanding the vast majority and venerable names that would give sanction to its wisdom and its worth. He said, however, that he did not mean by this refusal to decide that he should oppose the Constitution without doors. He meant only to keep himself free to be governed by his duty as it should be prescribed by his future judgment. He refused to sign because he thought the object of the Convention would be frustrated by the alternative which it presented to the people. Nine States will fail to ratify the plan and confusion must ensue. With such a view of the subject he ought not, he could not, by pledging himself to support the plan, restrain himself from taking such steps as might appear to him most consistent with the public good.

Mr. Gouverneur Morris said that he too had objections, but considering the present plan as the best that was to be attained, he should take it with all its faults. The majority had determined in its favor and by that determination he should abide. The moment this plan goes forth all other considerations will be laid aside and the great question will be, Shall there be a National Government or not? and this must take place or a general anarchy will be the alternative. He remarked that the signing in the form proposed related only to the fact that *the States* present were unanimous.

Mr. Williamson suggested that the signing should be confined to the letter accompanying the Constitution to Congress, which might perhaps do nearly as well, and would be found satisfactory to some members who disliked the Constitution.² For himself he did not think a better plan was to be expected, and had no scruples against putting his name to it.

Mr. Hamilton expressed his anxiety that every member should sign. A few characters of consequence, by opposing or even refusing to sign the Constitution, might do infinite mischief by kindling the latent sparks that lurk under an enthusiasm in favor of the Convention which may soon subside. No man's ideas were more remote from the plan than his own were known to be; but is it possible to deliberate between anarchy

² He alluded to Mr. Blount for one.

and convulsion on one side, and the chance of good to be expected from the plan on the other?

Mr. Blount said he had declared that he would not sign so as to pledge himself in support of the plan, but he was relieved by the form proposed, and would, without committing himself, attest the fact that the plan was the unanimous act of the States in Convention.

Doctor Franklin expressed his fears, from what Mr. Randolph had said, that he thought himself alluded to in the remarks offered this morning to the House. He declared that when drawing up that paper he did not know that any particular member would refuse to sign his name to the instrument, and hoped to be so understood. He possessed a high sense of obligation to Mr. Randolph for having brought forward the plan in the first instance, and for the assistance he had given in its progress; and hoped that he would yet lay aside his objections, and by concurring with his brethren prevent the great mischief which the refusal of his name might produce.

Mr. Randolph could not but regard the signing in the proposed form as the same with signing the Constitution. The change of form, therefore, could make no difference with him. He repeated, that in refusing to sign the Constitution he took a step which might be the most awful of his life; but it was dictated by his conscience, and it was not possible for him to hesitate — much less to change. He repeated, also, his persuasion that the holding out this plan, with a final alternative to the people of accepting or rejecting it *in toto*, would really produce the anarchy and civil convulsions which were apprehended from the refusal of individuals to sign it.

Mr. Gerry described the painful feelings of his situation, and the embarrassments under which he rose to offer any further observations on the subject which had been finally decided. Whilst the plan was depending he had treated it with all the freedom he thought it deserved. He now felt himself bound, as he was disposed, to treat it with the respect due to the act of the Convention. He hoped he should not violate that respect in declaring on this occasion his fears that a civil war may result from the present crisis of the United States. In Massachusetts, particularly, he saw the danger of this calamitous event. In that State there are two parties, one devoted to Democracy, the worst, he thought, of all political evils; the other as violent in the opposite extreme. From the collision of these in opposing

and resisting the Constitution confusion was greatly to be feared. He had thought it necessary, for this and other reasons, that the plan should have been proposed in a more mediating shape in order to abate the heat and opposition of parties. As it had been passed by the Convention he was persuaded it would have a contrary effect. He could not, therefore, by signing the Constitution, pledge himself to abide by it at all events. The proposed form made no difference with him. But if it were not otherwise apparent, the refusals to sign should never be known from him. Alluding to the remarks of Doctor Franklin he could not, he said, but view them as leveled at himself and the other gentlemen who meant not to sign.

General Pinckney. We are not likely to gain many converts by the ambiguity of the proposed form of signing. He thought it best to be candid and let the form speak the substance. If the meaning of the signers be left in doubt his purpose would not be answered. He should sign the Constitution with a view to support it with all his influence, and wished to pledge himself accordingly.

Doctor Franklin. It is too soon to pledge ourselves before Congress and our constituents shall have approved the plan.

Mr. Ingersoll did not consider the signing either as a mere attestation of the fact or as pledging the signers to support the Constitution at all events, but as a recommendation of what, all things considered, was the most eligible.

On the motion of Doctor Franklin — New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, Georgia, aye — 10; South Carolina, divided.³

Mr. King suggested that the journals of the Convention should be either destroyed or deposited in the custody of the President. He thought if suffered to be made public a bad use would be made of them by those who would wish to prevent the adoption of the Constitution.

Mr. Wilson preferred the second expedient. He had at one time liked the first best, but as false suggestions may be propagated it should not be made impossible to contradict them.

A question was then put on depositing the journals and other papers of the Convention in the hands of the President, on

³ General Pinckney and Mr. Butler disliked the equivocal form of signing, and on that account voted in the negative.

which — New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, Georgia, aye — 10; Maryland, no — 1.

The President having asked what the Convention meant should be done with the journals, etc., whether copies were to be allowed to the members if applied for, it was resolved, *nem. con.*, "that he retain the journal and other papers subject to the order of Congress, if ever formed under the Constitution."

The members then proceeded to sign the Constitution as finally amended. The Constitution being signed by all the members except Mr. Randolph, Mr. Mason, and Mr. Gerry, who declined giving it the sanction of their names, the Convention dissolved itself by an adjournment sine die.

Whilst the last members were signing, Doctor Franklin, looking towards the President's chair, at the back of which a rising sun happened to be painted, observed to a few members near him that painters had found it difficult to distinguish in their art a rising from a setting sun. I have, said he, often and often, in the course of the session, and the vicissitudes of my hopes and fears as to its issue, looked at that behind the President without being able to tell whether it was rising or setting; but now, at length, I have the happiness to know that it is a rising, and not a setting, sun.

"Madison is called 'the Father of the Constitution.' A paper written by him was laid before his colleagues of Virginia, before the meeting of the Constitutional Convention at Philadelphia, and was made the basis of the 'Virginia plan,' as it was called, out of which the Constitution was evolved. In another way his name is so identified with it that one cannot be forgotten so long as the other is remembered. From that full and faithful report of the proceedings of the Convention, in which his own part was so active and conspicuous, we know most that we do, or ever can, know of the perplexities and trials, the concessions and triumphs, the acts of wisdom and the acts of weakness of that body of men whose coming together time has shown to have been one of the important events in the history of mankind."

The standard life of Madison is the large work, in three volumes, by Rives. The second volume contains what is most important to the student attending these lectures; "it comprehends," in the words of the preface, "the most instructive and, in a civil and political view, the most eventful period of American annals — from the close of the war of the Revolution, down to and including the formation and establishment of the Constitution of the United States." There is a good brief biography, by Gay, in the American Statesmen Series. Madison's "Journal of the Debates in the Federal Convention of 1787" fills the greater portion of the second and third volumes of the Madison Papers, published by the government. He gives an account in the preface of the reasons which led him to undertake the Journal, of

the exceptional advantages which he had in its preparation, and of the great care which he gave to the work. This account is reproduced in Rives's *Life of Madison*, chap. xxviii. Madison's is the only complete record of the debates of the Federal Convention which has come down to us, and is invaluable. Judge Yates, one of the delegates from New York, took notes of a portion of the debates, covering about one third of the session of the Convention, and these notes have been published; but they are, as Madison himself pronounced them, "crude and desultory." Madison's ideas of the nature and extent of the reforms which the new Constitution should effect were first communicated to Jefferson, then in Paris, in a letter dated March 19, 1787, embodied in a letter to Randolph, April 8, and developed more fully in a letter to Washington, April 16, 1787. The outline contained in these letters is believed, to use Madison's own words, to be "the earliest sketch on paper of a constitutional government for the Union (organized into the regular departments, with physical means operating on individuals), to be sanctioned by the *people of the States*, acting in their original and sovereign character." The letters to Jefferson and Randolph are given in the *Madison Papers*, Vol. ii. The letter to Washington appears in the appendix to Vol. ix of Sparks's edition of the *Writings of Washington*, p. 516, and the important part of it is quoted by Rives, chap. xxviii. In this same chapter, Rives gives an admirable account of the men who composed the Constitutional Convention, and his general account of the proceedings may be compared with Bancroft's. There are good separate biographies of most of the leading men of the Convention. The names of all the signers of the Constitution are here appended, the names of those who were also signers of the Declaration of Independence being printed in italics:

George Washington, President, and Deputy from VIRGINIA.

NEW HAMPSHIRE — John Langdon, Nicholas Gilman.

MASSACHUSETTS — Nathaniel Gorham, Rufus King.

CONNECTICUT — William Samuel Johnson, *Roger Sherman*.

NEW YORK — Alexander Hamilton.

NEW JERSEY — William Livingston, David Brearly, William Patterson, Jonathan Dayton.

PENNSYLVANIA — *Benjamin Franklin*, Thomas Mifflin, *Robert Morris*, *George Clymer*, Thomas Fitzsimons, Jared Ingersoll, *James Wilson*, Gouverneur Morris.

DELAWARE — *George Read*, Gunning Bedford, Jr., John Dickinson, Richard Bassett, Jacob Broom.

MARYLAND — James McHenry, Daniel of St. Thomas Jenifer, Daniel Carroll.

VIRGINIA — John Blair, James Madison, Jr.

NORTH CAROLINA — William Blount, Richard Dobbs Spaight, Hugh Williamson.

SOUTH CAROLINA — John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.

GEORGIA — William Few, Abraham Baldwin.

William Jackson, *Secretary*.

Old South Leaflets.

Patrick Henry Against the Constitution.

Extracts from his first speech in the Virginia Convention, June, 1788.

MR. CHAIRMAN: The public mind, as well as my own, is extremely uneasy at the proposed change of government. Give me leave to form one of the number of those, who wish to be thoroughly acquainted with the reasons of this perilous and uneasy situation, and why we are brought thither to decide on this great national question. I consider myself as the servant of the people of this commonwealth, as a sentinel over their rights, liberty, and happiness. Before the meeting of the late federal convention at Philadelphia, a general peace, and an universal tranquillity prevailed in this country; and the minds of our citizens were at perfect repose; but since that period, they are exceedingly uneasy and disquieted. I conceive the republic to be in extreme danger. Whence has arisen this fearful jeopardy? It arises from a proposal to change our government—a proposal that goes to the utter annihilation of the most solemn engagements of the states—a proposal of establishing nine states into a confederacy, to the eventual exclusion of four states. I expected to have heard the reasons of an event so unexpected to my mind, and many others. Was our civil polity, or public justice, endangered or sapped? Was the real existence of the country threatened, or was this preceded by a mournful progression of events? This proposal of altering our federal government is of a most alarming nature. Instead of securing your rights, you may lose them forever. I repeat it again, and I beg gentlemen to consider, that a wrong step, made now, will plunge us into misery, and our republic will be lost. It will be necessary for this convention to have a faithful historical detail by the facts, that preceded the session of the federal convention, and the reasons that actuated its members in proposing an entire alteration of government—and to demonstrate the dangers that awaited us. If they were of such awful magnitude, as to warrant a proposal so extremely perilous as this, I must assert, that this convention has an absolute right to a thorough discovery of every circumstance relative to this great event. And here I would make this inquiry of those worthy characters who composed a part of the late federal convention. I am sure

they were fully impressed with the necessity of forming a great consolidated government, instead of a confederation. That this is a consolidated government is demonstrably clear; and the danger of such a government is, to my mind, very striking. I have the highest veneration for those gentlemen; but, sir, give me leave to demand, what right had they to say, "We, the People?" My political curiosity, exclusive of my anxious solicitude for the public welfare, leads me to ask, who authorized them to speak the language of, "We, the People," instead of We, the States? States are the characteristics, and the soul of a confederation. If the states be not the agents of this compact, it must be one great consolidated national government of the people of all the states. I have the highest respect for those gentlemen who formed the convention; and were some of them not here, I would express some testimonial of esteem for them. America had on a former occasion put the utmost confidence in them: a confidence well placed. I am sure, sir, I would cheerfully confide in them as my representatives. But on this great occasion, I would demand the cause of their conduct. Even from that illustrious man, who saved us by his valor, I would have a reason for his conduct; that liberty which he has given us by his valor, tells me to ask this reason, and sure I am, were he here, he would give us that reason: but there are other gentlemen here, who can give us this information. The people gave them no power to use their name. That they exceeded their power is perfectly clear. I wish to hear the real, actual, existing danger, which should lead us to steps so dangerous in my conception. Disorders have arisen in other parts of America, but here, sir, no dangers, no insurrection or tumult, has happened; everything has been calm and tranquil. But notwithstanding this, we are wandering on the great ocean of human affairs. I see no landmark to guide us. We are running we know not whither. Difference in opinion has gone to a degree of inflammatory resentment, in different parts of the country, which has been occasioned by this perilous innovation. The federal convention ought to have amended the old system; for this purpose, they were solely delegated: the object of their mission extended to no other consideration.

The question turns, sir, on that poor little thing — the expression, We, the people, instead of the states of America. I need not take much pains to show, that the principles of this system are extremely pernicious, impolitic, and dangerous. Is this a monarchy, like England — a compact between prince and people; with checks on the former to secure the liberty of the latter? Is this a confederacy, like Holland — an association of a number of independent states, each of which retains its individual sovereignty? It is not a democracy, wherein the people retain all their rights securely. Had these principles

been adhered to, we should not have been brought to this alarming transition, from a confederacy to a consolidated government. Here is a revolution as radical as that which separated us from Great Britain. It is as radical, if, in this transition, our rights and privileges are endangered, and the sovereignty of the states relinquished. And cannot we plainly see, that this is actually the case? The rights of conscience, trial by jury, liberty of the press, all your immunities and franchises, all pretensions to human rights and privileges, are rendered insecure, if not lost, by this change so loudly talked of by some, and inconsiderately by others. Is this tame relinquishment of rights worthy of freemen? Is it worthy of that manly fortitude that ought to characterize republicans? It is said eight states have adopted this plan. I declare that if twelve states and an half had adopted it, I would, with manly firmness, and in spite of an erring world, reject it. You are not to inquire how your trade may be increased, nor how you are to become a great and powerful people, but how your liberties can be secured; for liberty ought to be the direct end of your government. Liberty, the greatest of all earthly blessings—give us that precious jewel, and you may take every thing else. But I am fearful I have lived long enough to become an old-fashioned fellow. Perhaps an invincible attachment to the dearest rights of man may, in these refined, enlightened days, be deemed old-fashioned: if so, I am contented to be so. Guard with jealous attention the public liberty. Suspect every one who approaches that jewel. Unfortunately, nothing will preserve it, but downright force. Whenever you give up that force, you are inevitably ruined. I am answered by gentlemen, that though I may speak of terrors, yet the fact is, that we are surrounded by none of the dangers I apprehend. I conceive this new government to be one of those dangers: it has produced those horrors, which distress many of our best citizens. We are come hither to preserve the poor commonwealth of Virginia, if it can be possibly done: something must be done to preserve your liberty and mine. The confederation, this same depised government, merits, in my opinion, the highest encomium: it carried us through a long and dangerous war: it rendered us victorious in that bloody conflict with a powerful nation: it has secured us a territory greater than any European monarch possesses: and shall a government which has been thus strong and vigorous, be accused of imbecility, and abandoned for want of energy? Consider what you are about to do, before you part with this government. Take longer time in reckoning things: revolutions like this have happened in almost every country in Europe: similar examples are to be found in ancient Greece and ancient Rome: instances of the people losing their liberty by their own carelessness and the ambition of a few.

We are cautioned by the honorable gentleman who presides, against faction and turbulence. I acknowledge that licentiousness is dangerous, and that it ought to be provided against : I acknowledge also the new form of government may effectually prevent it : yet, there is another thing it will as effectually do : it will oppress and ruin the people. There are sufficient guards placed against sedition and licentiousness : for when power is given to this government to suppress these, or, for any other purpose, the language it assumes is clear, express, and unequivocal ; but when this constitution speaks of privileges, there is an ambiguity, sir, a fatal ambiguity—an ambiguity which is very astonishing. In the clause under consideration, there is the strangest language that I can conceive. I mean, when it says, that there shall not be more representatives, than one for every 30,000. This may be satisfied by one representative from each state. Let our numbers be ever so great, this immense continent may, by this artful expression, be reduced to have but thirteen representatives. I confess this construction is not natural : but the ambiguity of the expression lays a good ground for a quarrel. Why was it not clearly and unequivocally expressed, that they should be entitled to have one for every 30,000 ? This possibility of reducing the number to one for each state, approximates to probability by that other expression, “but each state shall at least have one representative.” Now is it not clear that, from the first expression, the number might be reduced so much, that some states should have no representative at all, were it not for the insertion of this last expression ? And as this is the only restriction upon them, we may fairly conclude that they may restrain the number to one from each state. I shall be told I am continually afraid : but, sir, I have strong cause of apprehension. In some parts of the plan before you, the great rights of freemen are endangered, in other parts absolutely taken away. But we are told, that we need not fear, because those in power being our representatives, will not abuse the powers we put in their hands. I am not well versed in history, but I will submit to your recollection, whether liberty has been destroyed most often by the licentiousness of the people, or by the tyranny of rulers. I imagine, sir, you will find the balance on the side of tyranny. Happy will you be, if you miss the fate of those nations, who, omitting to resist their oppressors, or negligently suffering their liberty to be wrested from them, have groaned under intolerable despotism ! Most of the human race are now in this deplorable condition. And those nations who have gone in search of grandeur, power and splendor, have also fallen a sacrifice, and been the victims of their own folly. While they acquired those visionary blessings, they lost their freedom.

The honorable gentleman said, that great danger would en-

sue, if the convention rose without adopting this system. I ask, where is that danger? I see none. Other gentlemen have told us, within these walls, that the union is gone—or, that the union will be gone. Is not this trifling with the judgment of their fellow-citizens? Till they tell us the ground of their fears, I will consider them as imaginary. I rose to make inquiry where those dangers were; they could make no answer: I believe I never shall have that answer. Is there a disposition in the people of this country to revolt against the dominion of laws? Has there been a single tumult in Virginia? Have not the people of Virginia, when laboring under the severest pressure of accumulated distresses, manifested the most cordial acquiescence in the execution of the laws? Is there any revolution in Virginia? Whither is the spirit of America gone? It was but yesterday, when our enemies marched in triumph through our country. Yet the people of this country could not be appalled by their pompous armaments: they stopped their career, and victoriously captured them: where is the peril now, compared to that?

Some minds are agitated by foreign alarms. Happily for us, there is no real danger from Europe; that country is engaged in more arduous business; you may sleep in safety forever for them. Where is the danger? If there was any, I would recur to the American spirit to defend us—that spirit which has enabled us to surmount the greatest difficulties: to that illustrious spirit I address my most fervent prayer, to prevent our adopting a system destructive to liberty. Let not gentlemen be told, that it is not safe to reject this government. Wherefore is it not safe? We are told there are dangers; but those dangers are ideal; they cannot be demonstrated. To encourage us to adopt it, they tell us, that there is a plain, easy way of getting amendments. When I come to contemplate this part, I suppose I am mad, or, that my countrymen are so. The way to amendment is, in my conception, shut. Let us consider this plain, easy way. “The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this constitution; or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one, or the other mode of ratification may be proposed by the Congress.”

Hence it appears, that three fourths of the states must ultimately agree to any amendments that may be necessary. Consider the consequences of this. However uncharitable it may appear, yet I must express my opinion, that the most unworthy characters may get into power and prevent the introduction of

amendments. Let us suppose, (for the case is supposable, possible and probable,) that you happen to deal these powers to unworthy hands; will they relinquish powers already in their possession, or agree to amendments? Two thirds of the Congress, or of the state legislatures, are necessary even to propose amendments. If one third of these be unworthy men, they may prevent the application for amendments; but a destructive and mischievous feature is, that three fourths of the state legislatures, or of the state conventions, must concur in the amendments when proposed. In such numerous bodies, there must necessarily be some designing, bad men. To suppose that so large a number as three fourths of the states will concur, is to suppose that they will possess genius, intelligence and integrity, approaching to miraculous. Four of the smallest states, that do not collectively contain one tenth part of the population of the United States, may obstruct the most salutary and necessary amendments. Nay, in these four states, six tenths of the people may reject these amendments. A bare majority in these four small states, may hinder the adoption of amendments; so that we may fairly conclude, that one twentieth part of the people may prevent the removal of the most grievous inconveniences and oppression, by refusing to accede to amendments. Is this an easy mode of securing the public liberty? It is, sir, a most fearful situation, when the most contemptible minority can prevent the alteration of the most oppressive government; for it may, in many respects, prove to be such. Is this the spirit of republicanism? What, sir, is the genius of democracy? Let me read that clause of the Bill of Rights of Virginia which relates to this: 3d clause; "That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation, or community. Of all the various modes and forms of government, that is best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of mal-administration, and that whenever any government shall be found inadequate, or contrary to these purposes, a majority of the community hath an indubitable, unalienable and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal." This, sir, is the language of democracy—that a majority of the community have a right to alter their government when found to be oppressive: but how different is the genius of your new constitution from this! If, sir, amendments are left to the twentieth, or to the tenth part of the people of America, your liberty is gone forever. We have heard that there is a great deal of bribery practiced in the house of commons in England; and that many of the members raise themselves to preferments, by selling the rights of the people. But, sir, the tenth part of that body cannot continue oppressions on

the rest of the people. English liberty is, in this case, on a firmer foundation than American liberty.

Had the delegates, who were sent to Philadelphia, a power to propose a consolidated government instead of a confederacy? Were they not deputed by states, and not by the people? The assent of the people, in their collective capacity, is not necessary to the formation of a federal government. The people have no right to enter into leagues, alliances, or confederations: they are not the proper agents for this purpose: states and sovereign powers are the only proper agents for this kind of government. Show me an instance where the people have exercised this business: has it not always gone through the legislatures? I refer you to the treaties with France, Holland, and other nations: how were they made? Were they not made by the states? Are the people, therefore, in their aggregate capacity, the proper persons to form a confederacy? This, therefore, ought to depend on the consent of the legislatures; the people having never sent delegates to make any proposition of changing the government. Yet I must say, at the same time, that it was made on grounds the most pure, and perhaps I might have been brought to consent to it, so far as to the change of government; but there is one thing in it, which I never would acquiesce in. I mean, the changing it into a consolidated government, which is so abhorrent to my mind.

An opinion has gone forth, we find, that we are a contemptible people. The time has been when we were thought otherwise. Under this same despised government, we commanded the respect of all Europe: wherefore are we now reckoned otherwise? The American spirit has fled from hence: it has gone to regions, where it has never been expected: it has gone to the people of France, in search of a splendid government—a strong, energetic government. Shall we imitate the example of those nations, who have gone from a simple to a splendid government? Are those nations more worthy of our imitation? What can make an adequate satisfaction to them for the loss they have suffered in attaining such a government—for the loss of their liberty? If we admit this consolidated government, it will be because we like a great and splendid one. Some way or other we must be a great and mighty empire; we must have an army, and a navy, and a number of things. When the American spirit was in its youth, the language of America was different: liberty, sir, was then the primary object. We are descended from a people whose government was founded on liberty: our glorious forefathers, of Great Britain, made liberty the foundation of everything. That country is become a great, mighty and splendid nation; not because their government is strong and energetic: but, sir, because liberty is its direct end and foundation. We drew the spirit of liberty from our British ancestors;

by that spirit we have triumphed over every difficulty. But now, sir, the American spirit, assisted by the ropes and chains of consolidation, is about to convert this country into a powerful and mighty empire. If you make the citizens of this country agree to become the subjects of one great consolidated empire of America, your government will not have sufficient energy to keep them together: such a government is incompatible with the genius of republicanism. What can avail your specious, imaginary balances; your rope-dancing, chain-rattling, ridiculous, ideal checks and contrivances? But, sir, we are not feared by foreigners; we do not make nations tremble. Would this constitute happiness, or secure liberty? I trust, sir, our political hemisphere will ever direct its operations to the security of those objects. Consider our situation, sir; go to the poor man, ask him what he does; he will inform you that he enjoys the fruits of his labor, under his own fig-tree, with his wife and children around him, in peace and security. Go to every other member of the society, you will find the same tranquil ease and content; you will find no alarms or disturbances! Why then tell us of dangers, to terrify us into an adoption of this new form of government? And yet who knows the dangers that this new system may produce? They are out of the sight of the common people: they cannot foresee latent consequences. I dread the operation of it on the middling and lower classes of people: it is for them I fear the adoption of this system.

Suppose the people of Virginia should wish to alter their government, can a majority of them do it? No, because they are connected with other men; or, in other words, consolidated with other states. When the people of Virginia, at a future day, shall wish to alter their government, though they should be unanimous in this desire, yet they may be prevented therefrom by a despicable minority at the extremity of the United States. The founders of your own constitution made your government changeable: but the power of changing it is gone from you! Whither is it gone? It is placed in the same hands that hold the rights of twelve other states; and those, who hold those rights, have power to keep them. This government is not a Virginian, but an American government. Suppose every delegate from Virginia opposes a law, what will it avail? They are opposed by a majority; eleven members can destroy their efforts: those feeble ten cannot prevent the passing the most oppressive tax-law. So that in direct opposition to the spirit and express language of your declaration of rights, you are taxed, not by your own consent, but by people who have no connection with you.

This constitution can counteract and suspend any of our laws, that contravene its oppressive operation; for they have the power of direct taxation, which suspends our bill of rights; and it is expressly provided, that they can make all laws necessary

for carrying their powers into execution ; and it is declared paramount to the laws and constitutions of the states. Consider how the only remaining defense we have left is destroyed in this manner. I might be thought too inquisitive, but I believe I should take up but very little of your time in enumerating the little power that is left to the government of Virginia ; for this power is reduced to little or nothing. Their garrisons, magazines, arsenals and forts, which will be situated in the strongest places within the states — their ten miles square, with all the fine ornaments of human life, added to their powers, and taken from the states, will reduce the power of the latter to nothing. The voice of tradition, I trust, will inform posterity of our struggles for freedom. If our descendants be worthy the name of Americans, they will preserve, and hand down to their latest posterity, the transactions of the present times ; and though, I confess, my exclamations are not worthy the hearing, they will see that I have done my utmost to preserve their liberty. Were all the states, more terrible than the mother country, to join against us, I hope Virginia could defend herself ; but, sir, the dissolution of the union is most abhorrent to my mind. The first thing I have at heart is American liberty ; the second thing is American union ; and I hope the people of Virginia will endeavor to preserve that union. The increasing population of the southern states, is far greater than that of New England ; consequently, in a short time, they will be far more numerous than the people of that country. Consider this, and you will find this state more particularly interested to support American liberty, and not bind our posterity by an improvident relinquishment of our rights.

In this scheme of energetic government, the people will find two sets of tax gatherers — the state and the federal sheriffs. This, it seems to me, will produce such dreadful oppression, as the people cannot possibly bear. The federal sheriff may commit what oppression, make what distresses, he pleases, and ruin you with impunity : for how are you to tie his hands ? Have you any sufficient, decided means of preventing him from sucking your blood by speculations, commissions and fees ? Thus thousands of your people will be most shamefully robbed. Our state sheriffs, those unfeeling blood-suckers, have, under the watchful eye of our legislature, committed the most horrid and barbarous ravages on our people. It has required the most constant vigilance of the legislature to keep them from totally ruining the people. If sheriffs, thus immediately under the eye of our state legislature and judiciary, have dared to commit these outrages, what would they not have done if their masters had been at Philadelphia or New York ?

This constitution is said to have beautiful features ; but when I come to examine these features, sir, they appear to me

horribly frightful. Among other deformities, it has an awful squinting; it squints towards monarchy: and does not this raise indignation in the breast of every true American? Your president may easily become king. Your senate is so imperfectly constructed, that your dearest rights may be sacrificed by a small minority. Where are your checks in this government? Your strongholds will be in the hands of your enemies. It is on a supposition that your American governors shall be honest, that all the good qualities of this government are founded; but its defective and imperfect construction puts it in their power to perpetrate the worst of mischiefs, should they be bad men. And, sir, would not all the world, from the eastern to the western hemisphere, blame our distracted folly in resting our rights upon the contingency of our rulers being good or bad? Show me that age and country where the rights and liberties of the people were placed on the sole chance of their rulers being good men, without a consequent loss of liberty. I say that the loss of that dearest privilege has ever followed, with absolute certainty, every such mad attempt. If your American chief be a man of ambition and abilities, how easy will it be for him to render himself absolute! The army is in his hands, and, if he be a man of address, it will be attached to him; and it will be the subject of long meditation with him to seize the first auspicious moment to accomplish his design. And, sir, will the American spirit solely relieve you when this happens? I would rather infinitely, and I am sure most of this convention are of the same opinion, have a king, lords and commons, than a government so replete with such insupportable evils. If we make a king, we may prescribe the rules by which he shall rule his people, and interpose such checks as shall prevent him from infringing them: but the president in the field, at the head of his army, can prescribe the terms on which he shall reign master. If ever he violates the laws, one of two things will happen: he will come at the head of his army to carry everything before him; or, he will give bail, or do what Mr. Chief Justice will order him. If he be guilty, will not the recollection of his crimes teach him to make one bold push for the American throne? Will not the immense difference between being master of everything, and being ignominiously tried and punished, powerfully excite him to make this bold push? But, sir, where is the existing force to punish him? Can he not, at the head of his army, beat down every opposition? Away with your president, we shall have a king: the army will salute him monarch; your militia will leave you, and assist in making him king, and fight against you: and what have you to oppose this force? What will then become of you and your rights?

My great objection to the constitution is that there is no true responsibility, and that the preservation of our liberty de-

pend on the single chance of men being virtuous enough to make laws to punish themselves. In the country from which we are descended, they have real, and not imaginary responsibility; for there, mal-administration has cost their heads to some of the most saucy geniuses that ever were. The senate, by making treaties, may destroy your liberty and laws, for want of responsibility. Two thirds of those that shall happen to be present, can, with the president, make treaties, that shall be the supreme law of the land: they may make the most ruinous treaties, and yet there is no punishment for them. The history of Switzerland clearly proves, that we might be in amicable alliance with the other states, without adopting this constitution. Switzerland is a confederacy, consisting of dissimilar governments. This is an example, which proves that governments, of dissimilar structures, may be confederated. That confederate republic has stood upwards of four hundred years; and, although several of the individual republics are democratic, and the rest aristocratic, no evil has resulted from this dissimilarity, for they have braved all the power of France and Germany, during that long period. The Swiss spirit, sir, has kept them together: they have encountered and overcome immense difficulties, with patience and fortitude. In the vicinity of powerful and ambitious monarchs, they have retained their independence, republican simplicity and valor.

I believe that it is yet doubtful, whether it is not proper to stand by a while, and see the effect of the adoption of the constitution in other states. In forming a government, the utmost care should be taken, to prevent its becoming oppressive. The other states have no reason to think, from the antecedent conduct of Virginia, that she has any intention of seceding from the union, or of being less active to support the general welfare. Would they not, therefore, acquiesce in our taking time to deliberate — deliberate whether the measure be not perilous, not only for us, but the adopting states? Permit me, sir, to say, that a great majority of the people, even in the adopting states, are averse to this government. I believe I would be right to say, that they have been egregiously misled. Pennsylvania has, perhaps, been tricked into it. If the other states, which have adopted it, have not been tricked, still they were too much hurried into its adoption. There were very respectable minorities in several of them; and, if reports be true, a clear majority of the people are averse to it. If we also accede, and it should prove grievous, the peace and prosperity of our country, which we all love, will be destroyed. This government has not the affection of the people, at present. Should it be oppressive, their affection will be totally estranged from it — and, sir, you know, that a government without their affections, can neither be durable nor happy. I speak as one poor individual — but,

when I speak, I speak the language of thousands. But, sir, I mean not to breathe the spirit, nor utter the language of secession.

On this occasion, I conceived myself bound to attend strictly to the interest of this state; and I thought her dearest rights at stake. Before you abandon the present system, I hope you will consider not only its defects, most maturely, but likewise those of that which you are to substitute for it. May you be fully apprised of the dangers of the latter, not by fatal experience, but by some abler advocate than I.

Patrick Henry was the strongest and most notable opponent of the Constitution, when it was submitted to the people. His opposition was the more significant and formidable, as he had been preëminently the leader in Virginia in the beginnings of the Revolution and was still a great popular idol. He had been appointed one of the seven delegates from Virginia to the Constitutional Convention, his name standing next to Washington's on the list, but his straitened circumstances prevented his acceptance of the office. The general grounds of his opposition to the Constitution appear from these extracts from his first speech in the Virginia Convention. His two other more important speeches are included in Williston's "Eloquence of the United States," vol. i. Liberal extracts are given in Wirt's *Life of Patrick Henry*, in a graphic account of the proceedings of the Convention. Some will prefer to consult the briefer *Life of Henry* by A. H. Everett, in Sparks's *American Biography*, vol. xi. A new biography, by Moses Coit Tyler, is about to appear in the *American Statesmen Series*. Henry's objections were ably answered by Madison, Marshall and Randolph, whose speeches should be read in connection. Henry bowed to the will of the majority, his last words in the Convention being, "I will be a peaceable citizen. My head, my hand and my heart shall be free to retrieve the loss of liberty and remove the defects of that system, in a constitutional way. . . I shall patiently wait, in expectation of seeing that government changed, so as to be compatible with the safety, liberty and happiness of the people."

Samuel Adams, the great leader in the Revolution in the North, as Patrick Henry had been in the South, also found much to criticise in the new Constitution. "I confess," he wrote, "as I enter the building, I stumble at the threshold. I meet with a national government instead of a federal union of sovereign States. I am not able to conceive why the wisdom of the Convention led them to give the preference to the former before the latter." It was probably owing to his strong State-rights views that he had not been chosen a delegate to the National Convention at Philadelphia. He was a member of the Massachusetts Convention which ratified the Constitution, taking a most moderate course and voting for the ratification. See Welles's *Life of Samuel Adams*, vol. iii, chap. lx, or the briefer biography by Hosmer, chap. xxii, for a clear explanation of his attitude, which has often been much misapprehended.

The fourth section of Bancroft's *History of the Formation of the Constitution* is entitled "The People of the States in Judgment on the Constitution," and the five chapters devoted to this subject detail the various objections of Jefferson and other leaders to the new Constitution, the various expressions of popular opinion, and the proceedings in the different State Conventions called to consider the question of adoption. John Adams well expressed the average sentiment, in writing to Jay: "The proposed plan of government appears to be admirably calculated to cement all America in affection and interest as one great nation. A result of compromise cannot perfectly coincide with every one's ideas of perfection; but, as all the great principles necessary to order, liberty and safety are respected in it, and provision is made for amendments as they may be found necessary, I hope to hear of its adoption by all the States." The reports of the proceedings in the several State Conventions were gathered into uniform volumes by Jonathan Elliot, in 1827, and have since been published in better form. This work, generally known as "Elliot's Debates," is of the highest value to the student of original authorities. Here will be found in full the utterances of Patrick Henry, Madison and their colleagues in the Virginia Convention; and here can be studied exactly the attitude of Samuel Adams, Hancock and others in the Massachusetts Convention. The report of the debates in the Massachusetts Convention was published separately at the time, a second edition appeared in 1808, and a much better edition, prepared for the State by order of the legislature, and containing much additional matter illustrating public opinion concerning the Constitution, in 1856. This volume can be seen at the libraries, and is especially commended to the young people of Boston and Massachusetts.

Old South Leaflets.

The Federalist. No. IX.

BY ALEXANDER HAMILTON.

To the People of the State of New York :

A firm Union will be of the utmost moment to the peace and liberty of the States, as a barrier against domestic faction and insurrection. It is impossible to read the history of the petty Republics of Greece and Italy, without feeling sensations of horror and disgust, at the distractions with which they were continually agitated, and at the rapid succession of revolutions, by which they were kept in a state of perpetual vibration, between the extremes of tyranny and anarchy. If they exhibit occasional calms, these only serve as short-lived contrasts to the furious storms, that are to succeed. If, now and then, intervals of felicity open themselves to view, we behold them with a mixture of regret, arising from the reflection, that the pleasing scenes before us are soon to be overwhelmed by the tempestuous waves of sedition and party rage. If momentary rays of glory break forth from the gloom, while they dazzle us with a transient and fleeting brilliancy, they, at the same time, admonish us to lament, that the vices of Government should pervert the direction, and tarnish the luster of those bright talents and exalted endowments, for which the favored soils that produced them have been so justly celebrated.

From the disorders that disfigure the annals of those Republics, the advocates of despotism have drawn arguments, not only against the forms of Republican Government, but against the very principles of civil liberty. They have decried all free Government as inconsistent with the order of society, and have indulged themselves in malicious exultation over its friends and partisans. Happily for mankind, stupendous fabrics reared on the basis of liberty, which have flourished for ages, have, in a few glorious instances, refuted their gloomy sophisms. And, I trust, America will be the broad and solid foundation of other

edifices, not less magnificent, which will be equally permanent monuments of their errors.

But it is not to be denied, that the portraits they have sketched of Republican Government were too just copies of the originals from which they were taken. If it had been found impracticable to have devised models of a more perfect structure, the enlightened friends to liberty would have been obliged to abandon the cause of that species of Government as indefensible. The science of politics, however, like most other sciences, has received great improvement. The efficacy of various principles is now well understood, which were either not known at all, or imperfectly known to the ancients. The regular distribution of power into distinct departments; the introduction of legislative balances and checks; the institution of Courts composed of Judges holding their offices during good behavior; the representation of the people in the Legislature, by Deputies of their own election; these are either wholly new discoveries, or have made their principal progress towards perfection in modern times. They are means, and powerful means, by which the excellences of Republican Government may be retained, and its imperfections lessened, or avoided. To this catalogue of circumstances, that tend to the amelioration of popular systems of civil Government, I shall venture, however novel it may appear to some, to add one more, on a principle which has been made the foundation of an objection to the New Constitution; I mean the ENLARGEMENT of the ORBIT within which such systems are to revolve, either in respect to the dimensions of a single State, or to the consolidation of several smaller States into one great Confederacy. The latter is that which immediately concerns the object under consideration. It will, however, be of use to examine the principle, in its application to a single State, which shall be attended to in another place.

The utility of a Confederacy, as well to suppress faction, and to guard the internal tranquillity of States, as to increase their external force and security, is in reality not a new idea. It has been practiced upon, in different countries and ages, and has received the sanction of the most approved writers on the subjects of politics. The opponents of the Plan proposed, have, with great assiduity, cited and circulated the observations of

MONTESQUIEU on the necessity of a contracted territory for a Republican Government. But they seem not to have been apprised of the sentiments of that great man, expressed in another part of his work, nor to have adverted to the consequences of the principle, to which they subscribe with such ready acquiescence.

When MONTESQUIEU recommends a small extent for Republics, the standards he had in view were of dimensions far short of the limits of almost every one of these States. Neither Virginia, Massachusetts, Pennsylvania, New York, North Carolina, nor Georgia, can by any means be compared with the models from which he reasoned, and to which the terms of his description apply. If we therefore take his ideas on this point, as the criterion of truth, we shall be driven to the alternative, either of taking refuge at once in the arms of Monarchy, or of splitting ourselves into an infinity of little jealous, clashing, tumultuous Commonwealths, the wretched nurseries of unceasing discord, and the miserable objects of universal pity or contempt. Some of the writers, who have come forward on the other side of the question, seem to have been aware of the dilemma; and have even been bold enough to hint at the division of the larger States, as a desirable thing. Such an infatuated policy, such a desperate expedient, might, by the multiplication of petty offices, answer the views of men, who possess not qualifications to extend their influence beyond the narrow circles of personal intrigue; but it could never promote the greatness or happiness of the people of America.

Referring the examination of the principle itself to another place, as has been already mentioned, it will be sufficient to remark here, that in the sense of the author who has been most emphatically quoted upon the occasion, it would only dictate a reduction of the SIZE of the more considerable MEMBERS of the Union; but would not militate against their being all comprehended in one Confederate Government. And this is the true question, in the discussion of which we are at present interested.

So far are the suggestions of MONTESQUIEU from standing in opposition to a general Union of the States, that he explicitly treats of a CONFEDERATE REPUBLIC as the expedient for extend-

ing the sphere of popular Government, and reconciling the advantages of monarchy with those of republicanism.

“It is very probable,” (says he¹) “that mankind would have been obliged, at length, to live constantly under the Government of a SINGLE PERSON, had they not contrived a kind of Constitution, that has all the internal advantages of a Republican, together with the external force of a Monarchical Government. I mean a CONFEDERATE REPUBLIC.

“This form of Government is a Convention by which several smaller *States* agree to become members of a larger *one*, which they intend to form. It is a kind of assemblage of societies, that constitute a new one, capable of increasing by means of new associations, till they arrive to such a degree of power, as to be able to provide for the security of the united body.

“A Republic of this kind, able to withstand an external force, may support itself without any internal corruptions. The form of this society prevents all manner of inconveniences.

“If a single member should attempt to usurp the supreme authority, he could not be supposed to have an equal authority and credit in all the Confederate States. Were he to have too great influence over one, this would alarm the rest. Were he to subdue a part, that which would still remain free might oppose him with forces, independent of those which he had usurped, and overpower him before he could be settled in his usurpation.

“Should a popular insurrection happen in one of the Confederate States, the others are able to quell it. Should abuses creep into one part, they are reformed by those that remain sound. The State may be destroyed on one side, and not on the other; the Confederacy may be dissolved, and the Confederates preserve their Sovereignty.

“As this Government is composed of small Republics, it enjoys the internal happiness of each; and with respect to its external situation, it is possessed, by means of the Association, of all the advantages of large Monarchies.”

¹ *Spirit of Laws*, Vol. I, Book IX, Chap. I.—*Publius*.

I have thought it proper to quote at length these interesting passages, because they contain a luminous abridgement of the principal arguments in favor of the Union, and must effectually remove the false impressions, which a misapplication of other parts of the work was calculated to make. They have, at the same time, an intimate connection with the more immediate design of this Paper; which is, to illustrate the tendency of the Union to repress domestic faction and insurrection.

A distinction, more subtle than accurate, has been raised between a *Confederacy* and a *consolidation* of the States. The essential characteristic of the first is said to be, the restriction of its authority to the members in their collective capacities, without reaching to the individuals of whom they are composed. It is contended, that the National Council ought to have no concern with any object of internal administration. An exact equality of suffrage between the members has also been insisted upon as a leading feature of a Confederate Government. These positions are, in the main, arbitrary; they are supported neither by principle nor precedent. It has indeed happened, that Governments of this kind have generally operated in the manner which the distinction, taken notice of, supposes to be inherent in their nature; but there have been in most of them extensive exceptions to the practice, which serve to prove, as far as example will go, that there is no absolute rule on the subject. And it will be clearly shown, in the course of this investigation, that as far as the principle contended for has prevailed, it has been the cause of incurable disorder and imbecility in the Government.

The definition of a *Confederate Republic* seems simply to be "an assemblage of Societies," or an Association of two or more States into one State. The extent, modifications, and objects of the Federal authority, are mere matters of discretion. So long as the separate organization of the members be not abolished; so long as it exists, by a constitutional necessity, for local purposes; though it should be in perfect subordination to the general authority of the Union, it would still be, in fact and in theory, an Association of States, or a Confederacy. The proposed Constitution, so far from implying an abolition of the State Governments, makes them constituent parts of the Na-

tional Sovereignty, by allowing them a direct representation in the Senate, and leaves in their possession certain exclusive and very important portions of Sovereign power. This fully corresponds, in every rational import of the terms, with the idea of a Federal Government.

In the Lycian Confederacy, which consisted of twenty-three CITIES, or Republics, the largest were entitled to *three* votes in the COMMON COUNCIL, those of the middle class to *two*, and the smallest to *one*. The COMMON COUNCIL had the appointment of all the Judges and Magistrates of the respective CITIES. This was certainly the most delicate species of interference in their internal administration; for if there be anything that seems exclusively appropriated to the local jurisdictions, it is the appointment of their own officers. Yet MONTESQUIEU, speaking of this Association, says, "Were I to give a model of an excellent Con-federate Republic, it would be that of Lycia." Thus we perceive, that the distinctions insisted upon were not within the contemplation of this enlightened civilian; and we shall be led to conclude, that they are the novel refinements of an erroneous theory.

PUBLIUS.

The papers called "The Federalist," which were published in 1787 and 1788 in the columns of certain New York newspapers, were written to explain the new Constitution, then awaiting ratification, and to defend it from objections urged against it. "They form a work of enduring interest," says Bancroft, "because they are the earliest commentary on the new experiment of mankind in establishing a republican government for a country of boundless dimensions, and were written by Madison, who was the chief author of the Constitution, and Hamilton, who took part in its inception and progress." The original conception of the "Federalist" was Hamilton's, and by far the greater portion of the work is his. As Madison was the great constructive man in the convention, Hamilton was the great defender of the Constitution before the people. The papers were all signed "Publius," and there has been much controversy as to the proportionate share of Madison and Jay in the authorship. Very full and critical discussions of this question may be found in the introductions to both Dawson's and Hamilton's editions of the "Federalist." Bancroft's conclusion is that of the eighty-five numbers, Jay wrote five, Madison twenty-nine, and Hamilton fifty-one. Hamilton's friends claim for him a still larger proportion. The "Federalist" probably did more than anything else at the time to secure the adoption of the new Constitution, and it still occupies the highest place as an exposition of the principles of our federal government. "It shows us with much clearness," says Sir Henry Sumner Maine, in his valuable essay on the Constitution of the United States, in his work on "Popular Government," "either the route by which the strongest minds among the American statesmen of that period had traveled to the conclusions embodied in the Constitution, or the arguments by which they had become reconciled to them. The 'Federalist' has generally excited something like enthusiasm in those who have studied it, and among these there have been some not at all given to excessive eulogy. Talleyrand strongly recommended it; and Guizot said of it that, in the application of the elementary principles of government to practical administration, it was the greatest work known to him. An early number of the 'Edinburgh Review' (No. 24) described it as 'a work little known in Europe, but which ex-

hibits a profundity of research and an acuteness of understanding which would have done honor to the most illustrious statesmen of modern times.' The American commendations of the 'Federalist' are naturally even less qualified. 'I know not,' wrote Chancellor Kent, 'of any work on the principles of free government that is to be compared in instruction and in intrinsic value to this small and unpretending volume of the 'Federalist';' not even if we resort to Aristotle, Cicero, Machiavel, Montesquieu, Milton, Locke, or Burke. It is equally admirable in the depth of its wisdom, the comprehensiveness of its views, the sagacity of its reflections, and the freshness, patriotism, candor, simplicity, and eloquence with which its truths are uttered and recommended.' Those who have attentively read these papers will not think such praise pitched, on the whole, too high." These high commendations of the "Federalist" might be indefinitely extended. Jefferson, writing to Madison from Paris in 1788, pronounced it "the best commentary on the principles of government which was ever written;" and Story, in his commentaries on the Constitution, places it in the same category, even as to authority, with the decisions of the supreme court on questions of constitutional law.

Hamilton's Works, edited by his son, John C. Hamilton, were published, in 7 vols., in 1851. A much better edition, in 9 vols., edited by Henry Cabot Lodge, has just appeared. The "Federalist" occupies the second volume of this edition, the first volume containing Hamilton's draught of a Constitution and his speeches in and after the Convention. Hamilton's fame as a political writer rests chiefly upon the "Federalist," but many of his other papers are of equal power, and his financial papers, prepared while first Secretary of the Treasury under the new government, should have particular attention from the student of politics. The best lives of Hamilton are those by John T. Morse and Henry Cabot Lodge, the latter in the American Statesmen Series. An exhaustive biography was undertaken by his son, but only two volumes, bringing the record to the time of the Constitutional Convention, were completed. Mr. Hamilton's much more important work, however, in 7 vols., "History of the Republic of the United States of America, as traced in the writings of Alexander Hamilton and of his Contemporaries," is largely a biography of Hamilton, and should be mentioned in the connection.

Many of the great contemporaries of Hamilton and Madison wrote much upon the Constitution and upon theories of government. John Adams published in London, in 1787, "A Defense of the Constitutions of the United States of America against the attack of M. Turgot," a work in three volumes, largely devoted to a defense of the features of the English Constitution which had been retained in America, as against the more democratic schemes of the French political theorists, who accused our statesmen of a servile following of the precedents set by the mother country. James Monroe left a fragment, first published in 1867, entitled "The People the Sovereigns, — a comparison of the Government of the United States and the Republics of Athens, Lacedemon, and Carthage." Nearer our own times, Calhoun's work upon the "Constitution and Government of the United States" should be read as representing the strong State-rights theory, and Webster's speeches as the great exposition of the national idea. The conflict of these two views, finally culminating in the Civil War, is best traced by Von Holst in his "Constitutional History of the United States." A new work by Von Holst, on "The Constitutional Law of the United States," has just been published, and perhaps no better single book on the Constitution can be commended to the general reader; the historical part is quite full, and the exposition is strong and clear. The works of Kent, Story and Cooley have been referred to in previous leaflets; and Pomeroy's "Introduction to the Constitution of the United States" should be mentioned here, as second to none of these works in value. Farrar's "Manual of the Constitution" is a clear and scholarly work; Lamphere's "United States Government" is a similar manual; and Goodrich's "Science of Government as Exhibited in the Institutions of the United States" is a good series of lectures, first given before the Lowell Institute in Boston in 1853. Miss Dawes's "How We are Governed" is the best book for younger readers. Edmund Alton's "Among the Law Makers" is a work of a yet more popular character and somewhat similar aim; and Nordhoff's "Politics for Young Americans" should be remembered. Perhaps the profoundest philosophical work upon the foundations of political life in the United States is Dr. Mulford's "The Nation." Charles Sumner, who was a careful student of this work, said in a letter to Francis Lieber, "If you write to Mr. Mulford, let him know that I am one of his pupils." Reference should be made in this connection to Brownson's thoughtful work upon "The American Republic." "I have no fears," says the

author in the preface, "that my book will be neglected because avowedly by a Catholic author and from a Catholic publishing house."

No writer upon government exercised so great an influence upon the authors of the "Federalist" as Montesquieu. His "Spirit of Laws," the popular book of that day, is quoted by them far oftener than any other work, and, like Rousseau's "Social Contract" and the writings of the other French political speculators of the eighteenth century, should have careful attention from the thorough student.

"The Constitution of the United States of America," says Sir Henry Maine, in the essay already quoted, "is much the most important political instrument of modern times." To the same effect are the well-known words of Gladstone, in his essay, "Kin beyond Sea: " "As the British Constitution is the most subtle organism which has proceeded from the womb and the long gestation of progressive history, so the American Constitution is, so far as I can see, the most wonderful work ever struck off at a given time by the brain and purpose of man. It has had a century of trial, under the pressure of exigencies caused by an expansion unexampled in point of rapidity and range; and its exemption from formal change, though not entire, has certainly proved the sagacity of the constructors and the stubborn strength of the fabric." In the latest time several formal changes in the Constitution have been warmly urged by various writers. More than one able book has appeared advocating the abolition of the Presidency; and the American Senate, at present the subject of particular praise in England from such men as Lord Rosebery, has many critics at home. The Two Chambers and the President are the special targets of Mr. Conway, in his book on "Republican Superstitions." The criticisms in Stickney's "A True Republic" and in Wilson's "Congressional Government" should here be considered, and the various recent arguments in favor of a directly responsible Cabinet with seats in Congress, like the British Ministry.

The whole of Sir Henry Maine's "Popular Government" should be read; and his other works, "The Early History of Institutions," "Early Law and Custom," "Ancient Law," and "Village Communities," are also warmly commended to the student of political institutions. Many valuable political treatises have appeared in England in recent years, of which it is impossible here to make more than bare mention of a few, such as Freeman's "Comparative Politics," Frederic Harrison's "Order and Progress," Arthur Helps's "Thoughts upon Government," Bagehott's "Physics and Politics" (read especially the two essays on "Nation-making"), Amos's "Science of Politics" (read especially the chapter on "Constitutions"), Hare on "Representation," and Mill on "Representative Government." Sir George Cornewall Lewis's work on "The Best Form of Government" is a dialogue between *Monarchicus*, *Aristocraticus*, *Democraticus*, and *Crito*. Bluntschli's valuable work on "The Theory of the State" has been translated into English. Seeley's "Expansion of England" is a work on the federation of the British Empire. Reference to a few works upon the British Constitution, in addition to those named in the first leaflet, may be useful here. "Let not England forget her precedence of teaching nations how to live," Milton said; and everything upon the institutions of the mother country has special value for us in America. Freeman's "Growth of the English Constitution," Creasy's "Rise and Progress of the English Constitution," and his "Imperial and Colonial Constitutions of the Britannic Empire," Brougham's "The British Constitution," Earl Russell's "History of the English Government and Constitution," Earl Grey's "Parliamentary Government considered with reference to Reform," Todd's "Parliamentary Government in England," and the same writer's "Parliamentary Government in the British Colonies," are all valuable works.

Having considered the subject of the organization of single nations, the thorough student will go on to consider the ever more and more important subject of international relations. Sir Robert Phillimore's work on "International Law" is pronounced by President Woolsey "the most extensive and learned work on the science in our language, if not in any language;" the preface to the second edition of this work (1871) contains interesting discussions of questions raised by the relations of England and the United States during our Civil War. Most American students are more likely to read the briefer work on "International Law" by President Woolsey himself, and this contains a very full bibliography. The first great writer on international law was Hugo Grotius, whose work (English translation by Whewell) holds the same place in this field that Adam Smith's "Wealth of Nations" holds in the field of political economy. "Streaks of light from various countries, our own included," says Phillimore, "preceded the dawn of International Jurisprudence which appeared in the *Mare Liberum* of Grotius, published in 1609; but its full meridian shone forth in his great work, *De Jure Belli et Pacis*, which was published in 1624. It is scarcely too much to say, that no uninspired work has more largely contributed to the welfare of the Commonwealth of States. It is a monument which can only perish with the civilized intercourse of nations, of which it has laid down the master principles with a master's hand. Grotius first awakened the conscience of Governments to the Christian sense of International duty."

Old South Leaflets.

Washington's First Inaugural Address

To both Houses of Congress, April 30, 1789.

FELLOW-CITIZENS OF THE SENATE AND HOUSE OF REPRESENTATIVES :

Among the vicissitudes incident to life, no event could have filled me with greater anxieties, than that of which the notification was transmitted by your order, and received on the 14th day of the present month. On the one hand, I was summoned by my country, whose voice I can never hear but with veneration and love, from a retreat which I had chosen with the fondest predilection, and, in my flattering hopes, with an immutable decision, as the asylum of my declining years; a retreat which was rendered every day more necessary as well as more dear to me, by the addition of habit to inclination, and of frequent interruptions in my health to the gradual waste committed on it by time. On the other hand, the magnitude and difficulty of the trust, to which the voice of my country called me, being sufficient to awaken in the wisest and most experienced of her citizens a distrustful scrutiny into his qualifications, could not but overwhelm with despondence one, who, inheriting inferior endowments from nature, and unpracticed in the duties of civil administration, ought to be peculiarly conscious of his own deficiencies. In this conflict of emotions, all I dare aver is, that it has been my faithful study to collect my duty from a just appreciation of every circumstance by which it might be affected. All I dare hope is, that, if in executing this task, I have been too much swayed by a grateful remembrance of former instances, or by an affectionate sensibility to this transcendent proof of the confidence of my fellow-citizens; and have thence too little con-

sulted my incapacity as well as disinclination for the weighty and untried cares before me ; my error will be palliated by the motives which misled me, and its consequences be judged by my country with some share of the partiality in which they originated.

Such being the impressions under which I have, in obedience to the public summons, repaired to the present station, it would be peculiarly improper to omit, in this first official act, my fervent supplications to that Almighty Being, who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that his benediction may consecrate to the liberties and happiness of the people of the United States a government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration to execute with success the functions allotted to his charge. In tendering this homage to the great Author of every public and private good, I assure myself that it expresses your sentiments not less than my own ; nor those of my fellow-citizens at large, less than either. No people can be bound to acknowledge and adore the invisible hand, which conducts the affairs of men, more than the people of the United States. Every step, by which they have advanced to the character of an independent nation, seems to have been distinguished by some token of providential agency. And, in the important revolution just accomplished in the system of their united government, the tranquil deliberations and voluntary consent of so many distinct communities, from which the event has resulted, cannot be compared with the means by which most governments have been established, without some return of pious gratitude along with an humble anticipation of the future blessings which the past seems to presage. These reflections, arising out of the present crisis, have forced themselves too strongly on my mind to be suppressed. You will join with me, I trust, in thinking that there are none, under the influence of which the proceedings of a new and free government can more auspiciously commence.

By the article establishing the executive department, it is made the duty of the President "to recommend to your consideration such measures as he shall judge necessary and expedi-

ent." The circumstances, under which I now meet you, will acquit me from entering into that subject farther than to refer you to the great constitutional charter under which we are assembled ; and which, in defining your powers, designates the objects to which your attention is to be given. It will be more consistent with those circumstances, and far more congenial with the feelings which actuate me, to substitute, in place of a recommendation of particular measures, the tribute that is due to the talents, the rectitude, and the patriotism, which adorn the characters selected to devise and adopt them. In these honorable qualifications I behold the surest pledges, that as, on one side, no local prejudices or attachments, no separate views or party animosities, will misdirect the comprehensive and equal eye, which ought to watch over this great assemblage of communities and interests ; so, on another, that the foundations of our national policy will be laid in the pure and immutable principles of private morality, and the preëminence of a free government be exemplified by all the attributes, which can win the affections of its citizens, and command the respect of the world.

I dwell on this prospect with every satisfaction, which an ardent love for my country can inspire ; since there is no truth more thoroughly established, than that there exists in the economy and course of nature an indissoluble union between virtue and happiness, between duty and advantage, between the genuine maxims of an honest and magnanimous policy, and the solid rewards of public prosperity and felicity ; since we ought to be no less persuaded that the propitious smiles of Heaven can never be expected on a nation that disregards the eternal rules of order and right, which Heaven itself has ordained ; and since the preservation of the sacred fire of liberty, and the destiny of the republican model of government, are justly considered as *deeply*, perhaps as *finally* staked on the experiment intrusted to the hands of the American people.

Besides the ordinary objects submitted to your care, it will remain with your judgment to decide, how far an exercise of the occasional power delegated by the fifth article of the Constitution is rendered expedient at the present juncture by the nature of objections which have been urged against the system, or by the degree of inquietude which has given birth to them. In-

stead of undertaking particular recommendations on this subject, in which I could be guided by no lights derived from official opportunities, I shall again give way to my entire confidence in your discernment and pursuit of the public good ; for I assure myself, that, whilst you carefully avoid every alteration, which might endanger the benefits of a united and effective government, or which ought to await the future lessons of experience ; a reverence for the characteristic rights of freemen, and a regard for the public harmony, will sufficiently influence your deliberations on the question, how far the former can be more impreguably fortified, or the latter be safely and advantageously promoted.

To the preceding observations I have one to add, which will be most properly addressed to the House of Representatives. It concerns myself, and will therefore be as brief as possible. When I was first honored with a call into the service of my country, then on the eve of an arduous struggle for its liberties, the light in which I contemplated my duty required, that I should renounce every pecuniary compensation. From this resolution I have in no instance departed. And being still under the impressions which produced it, I must decline as inapplicable to myself any share in the personal emoluments, which may be indispensably included in a permanent provision for the executive department ; and must accordingly pray, that the pecuniary estimates for the station in which I am placed may, during my continuance in it, be limited to such actual expenditures as the public good may be thought to require.

Having thus imparted to you my sentiments, as they have been awakened by the occasion which brings us together, I shall take my present leave ; but not without resorting once more to the benign Parent of the human race, in humble supplication, that, since he has been pleased to favor the American people with opportunities for deliberating in perfect tranquillity, and dispositions for deciding with unparalleled unanimity on a form of government for the security of their union and the advancement of their happiness ; so his divine blessing may be equally *conspicuous* in the enlarged views, the temperate consultations, and the wise measures, on which the success of this government must depend.

THE INAUGURATION OF WASHINGTON.

From Irving's Life of Washington.

The inauguration took place on the 30th of April. At nine o'clock in the morning, there were religious services in all the churches, and prayers put up for the blessing of heaven on the new government. At twelve o'clock the city troops paraded before Washington's door, and soon after the committees of Congress and heads of departments came in their carriages. At half past twelve the procession moved forward preceded by the troops; next came the committees and heads of departments in their carriages; then Washington in a coach of state, his aide-de-camp, Colonel Humphreys, and his secretary, Mr. Lear, in his own carriage. The foreign ministers and a long train of citizens brought up the rear.

About two hundred yards before reaching the hall, Washington and his suite alighted from their carriages, and passed through the troops, who were drawn up on each side, into the hall and senate-chamber, where the Vice President, the Senate and House of Representatives were assembled. The Vice President, John Adams, recently inaugurated, advanced and conducted Washington to a chair of state at the upper end of the room. A solemn silence prevailed; when the Vice President rose, and informed him that all things were prepared for him to take the oath of office required by the constitution.

The oath was to be administered by the Chancellor of the State of New York in a balcony in front of the senate chamber, and in full view of an immense multitude occupying the street, the windows, and even roofs of the adjacent houses. The balcony formed a kind of open recess, with lofty columns supporting the roof. In the center was a table with a covering of crimson velvet, upon which lay a superbly bound Bible on a crimson velvet cushion. This was all the paraphernalia for the august scene.

All eyes were fixed upon the balcony, when, at the appointed hour, Washington made his appearance, accompanied by various public functionaries, and members of the Senate and House of Representatives. He was clad in a full suit of dark-brown cloth, of American manufacture, with a steel-hilted dress sword, white silk stockings, and silver shoe buckles. His hair was dressed and powdered in the fashion of the day, and worn in a bag and solitaire.

His entrance on the balcony was hailed by universal shouts. He was evidently moved by this demonstration of public affection. Advancing to the front of the balcony he laid his hand upon his heart, bowed several times, and then retreated to an arm-chair near the table. The populace appeared to understand that the scene had overcome him; and were hushed at once into profound silence.

After a few moments Washington rose and again came forward. John Adams, the Vice President, stood on his right; on his left the Chancellor of the State, Robert R. Livingston; somewhat in the rear were Roger Sherman, Alexander Hamilton, Generals Knox, St. Clair, the Baron Steuben and others.

The chancellor advanced to administer the oath prescribed by the constitution, and Mr. Otis, the secretary of the Senate, held up the Bible on its crimson cushion. The oath was read slowly and distinctly; Washington at the same time laying his hand on the open Bible. When it was concluded, he replied solemnly, "I swear — so help me God!" Mr. Otis would have raised the Bible to his lips, but he bowed down reverently and kissed it.

The chancellor now stepped forward, waved his hand and exclaimed, "Long live George Washington, President of the United States!" At this moment a flag was displayed on the cupola of the hall; on which signal there was a general discharge of artillery on the battery. All the bells in the city rang out a joyful peal, and the multitude rent the air with acclamations.

Washington again bowed to the people and returned into the senate chamber, where he delivered, to both Houses of Congress, his inaugural address, characterized by his usual modesty, moderation and good sense, but uttered with a voice deep, slightly tremulous, and so low as to demand close attention in the listeners. After this he proceeded with the whole assemblage on foot to St. Paul's church, where prayers suited to the occasion were read by Dr. Prevost, Bishop of the Protestant Episcopal Church in New York, who had been appointed by the Senate one of the chaplains of Congress. So closed the ceremonies of the inauguration.

"Every one without exception appeared penetrated with veneration for the illustrious chief of the republic. The humblest was proud of the virtues of the man who was to govern him. Tears of joy were seen to flow in the hall of the senate, at church, and even in the streets, and no sovereign ever reigned more completely in the hearts of his subjects than Washington in the hearts of his fellow-citizens. Nature, which had given

him the talent to govern, distinguished him from all others by his appearance. He had at once the soul, the look and the figure of a hero. He never appeared embarrassed at homage rendered him, and in his manners he had the advantage of joining dignity to great simplicity." — *From the report of Moustier, the French minister, to his government, on the inauguration of Washington.*

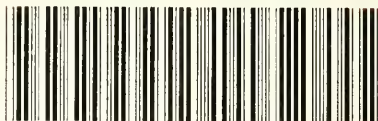
The influence of Washington was by far the most powerful influence which brought about the adoption of the Constitution. "Be assured," wrote Monroe to Jefferson at the close of the Virginia Convention, "Washington's influence carried this government." "Nor was that influence confined to Virginia alone," says Bancroft. "The country was an instrument with thirteen strings, and the only master who could bring out all their harmonious thought was Washington. Had he not attended the federal convention its work would have met a colder reception and more strenuous opponents. Had the idea prevailed that he would not accept the presidency, it would still have proved fatal." No one so deeply realized the necessity of a more perfect union and a stronger government. "No man in the United States," he wrote to Hamilton, "is or can be more deeply impressed with the necessity of a reform in our present confederation than myself. No man, perhaps, has felt the bad effects of it more sensibly; for to the defects thereof, and want of power in congress, may justly be ascribed the prolongation of the war and consequently the expenses occasioned by it. More than half the perplexities I have experienced in the course of my command, and almost the whole of the difficulties and distress of the army, have had their origin here." The circular letter which he addressed to the governors of the different states, in June, 1783, has been given in the third leaflet of the present series. Two months before he wrote to Lafayette: "State politics interfere too much with the more liberal and extensive plan of government which wisdom and foresight would dictate. The honor, power and true interest of this country must be measured on a continental scale. To form a new constitution that will give consistency, stability and dignity to the union and sufficient powers to the great council of the nation for general purposes, is a duty upon every man who wishes well to his country." Still earlier he had written to Harrison, then governor of Virginia, to entreat his own state to enter upon a movement toward a real union. "From the observations I have made in the course of this war," he wrote, — "and my intercourse with the states in their united as well as separate capacities has afforded ample opportunities of judging, — I am decided in my opinion that, if the powers of congress are not enlarged and made competent to all general purposes, the blood which has been spilt, the expense that has been incurred, and the distresses which have been felt, will avail nothing, and that the band which holds us together, already too weak, will soon be broken, — when anarchy and confusion will prevail." He had hardly reached home from the war before writing to Harrison again. "The prospect before us is fair," he said; "I believe all things will come right at last; but the disinclination of the states to yield competent powers to congress for the federal government will, if there is not a change in the system, be our downfall as a nation. This is as clear to me as A, B, C. We have arrived at peace and independence to very little purpose, if we cannot conquer our own prejudices. The powers of Europe begin to see this, and our newly acquired friends, the British, are already and professedly acting upon this ground; and wisely too, if we are determined to persevere in our folly. They know that individual opposition to their measures is futile, and boast that we are not sufficiently united as a nation to give a general one. Is not the indignity of this declaration, in the very act of peace-making and conciliation, sufficient to stimulate us to vest adequate powers in the sovereign of these United States? An extension of the federal powers would make us one of the most wealthy, happy, respectable and powerful nations that ever inhabited the terrestrial globe. Without them, we shall soon be everything which is the direct reverse. I predict the worst consequences from a half-starved, limping government, always moving upon crutches and tottering at every step." When the assembly of Virginia came together, Washington, being invited to offer suggestions, answered: "The proposition is self-evident. We are

either a united people or we are not so. If the former, let us in all matters of general concern act as a nation which has a national character to support." "If the states individually attempt to regulate commerce, an abortion or a many-headed monster would be the issue. If we consider ourselves or wish to be considered by others as a united people, why not adopt the measures which are characteristic of it, and support the honor and dignity of one? If we are afraid to trust one another under qualified powers, there is an end of the union." Washington's part as president of the Constitutional Convention is well known. "I trust," wrote Monroe to Jefferson the day after the adjournment, speaking of the dangers that would follow the rejection of the Constitution by the people, "that the presence of General Washington will overawe and keep under the demon of party, and that the signature of his name to the result of the deliberations will secure its passage through the union." Washington's efforts after the convention were as indefatigable as before. He wrote propitiatory letters to Patrick Henry, to Harrison, to Nelson. "I wish," he said, "the Constitution which is offered had been more perfect; but it is the best that could be obtained at this time, and a door is opened for amendments hereafter. The political concerns of this country are suspended by a thread. The convention has been looked up to by the reflecting part of the community with a solicitude which is hardly to be conceived; and if nothing had been agreed on by that body, anarchy would soon have ensued, the seeds being deeply sown in every soil." "I saw the imperfections of the Constitution I aided in the birth of before it was handed to the public," he wrote to Charles Carter; "but I am fully persuaded it is the best that can be obtained at this time, that it is free from many of the imperfections with which it is charged, and that it or disunion is before us to choose from." The influence of Washington outweighed all the opposition in Virginia. "He was embosomed in the affections and enshrined in the pride of the people of Virginia," says Bancroft; "and in all their waverings during the nine months following the federal convention he was the anchor of the Constitution." And, as has been already said, his influence was not confined to Virginia alone, but by means of an extensive and vigorous correspondence was brought to bear upon leading men in almost every state. While the Massachusetts Convention was hesitating, he wrote a letter—already quoted—which, first published in a Virginia newspaper, reached Boston in season to be published in the Boston "Centinel" of January 23, 1788, and did much to weaken the opposition and hasten the ratification of the Constitution.

At last, May 28, 1788, he was able to write to Lafayette: "It is impracticable for any one who has not been on the spot to realize the change in men's minds, and the progress toward rectitude in thinking and acting. The plot thickens fast. A few short weeks will determine the political fate of America for the present generation, and probably produce no small influence on the happiness of society through a long succession of ages to come. Should everything proceed with harmony and consent according to our actual wishes and expectations, it will be so much beyond anything we had a right to imagine or expect eighteen months ago that it will, as visibly as any possible event in the course of human affairs, demonstrate the finger of Providence." In less than a month from the date of this letter, Virginia ratified the Constitution, by a vote of 89 to 79; and in less than a year from the date—April 30, 1789—Washington was inaugurated first President of the United States.

Bancroft's "History of the Formation of the Constitution" gives perhaps the best account of the services of Washington in the period here under consideration. Washington's Writings, including his addresses, messages and extensive correspondence, were collected by Sparks, in 12 vols. The completest and most interesting Life of Washington is that by Irving. The admirable Life by Chief-Justice Marshall will always have a special interest as the work of a great man who knew Washington well. Sparks prefixed a biography to his edition of Washington's Writings, and this has been published separately and is one of the best. A good briefer biography is that by Everett; and the addresses and essays on Washington by Everett, Webster, Winthrop, Whipple, and Theodore Parker are important. The volume of "Recollections and Private Memoirs of Washington," by George Washington Parke Custis, Mrs. Washington's grandson and the boy of the Mt. Vernon household, gives vivid and valuable impressions of Washington's private life and character. The forthcoming Life of Washington in the American Statesmen Series will be by Henry Cabot Lodge.

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